

United States Senate

WASHINGTON, DC 20510

April 3, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

The Clean Water Rule (80 FR 37053) clarified the scope of waters protected under the 1972 Clean Water Act, the primary federal law governing water pollution. The final rule was based not only on legal precedent, but decades of peer-reviewed science, agency expertise, and experience implementing the Clean Water Act nationwide.¹

Section 3 of Executive Order 13778 directs EPA and the Army Corps of Engineers to consider weakening the rules significantly, based on one opinion in *Rapanos v. United States*, 547 U.S. 715 (2006).² A majority of the Supreme Court rejected that opinion, and it does not reflect the body of precedent implementing the Clean Water Act. Therefore, we are concerned of the threat that Executive Order 13778 poses to critical wetlands and to streams, including streams that feed into the drinking water supplies of 117 million Americans.³

We respectfully request a response that addresses the following:

- In complying with Executive Order 13778, will you guarantee that drinking water quality will not be worse for the 117 million Americans who receive drinking water from public water systems that draw supply from seasonal, rain-dependent, or headwater streams?
- Under any potential revision of the rule, protections for critical streams may be lifted, erasing safeguards to prevent chronic contamination. Such a scenario could require the addition of expensive water purification technologies to ensure drinking water supplied by these waters would be safe. What would be the financial burden to municipalities supplying water? Has EPA analyzed how residential and commercial water might be impacted?
- Furthermore, chronic contamination of streams may require communities to explore alternative drinking water sources. Please provide specific case estimates of potential incurred costs for adopting alternative water sources for these communities. Please list communities that do not have reasonable alternative water sources.

¹ Federal Register, Clean Water Rule: Definition of “Waters of the United States.” EPA-HQ-OW-2011-0880; FRL 9927-20-OW.

² Federal Register, Executive Order 13778 of February 28, 2017, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.

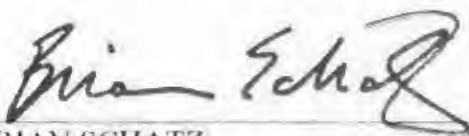
³ U.S. Environmental Protection Agency, Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral, and Headwater Streams in the U.S. <https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent>

- Can you guarantee that no American's health will be harmed by the reevaluation and reconsideration of the Clean Water Rule, compared to the protections that would be in place should the original rule be implemented as written? Please provide the scientific documentation that informs your response to this question.
- Does EPA have studies establishing that contaminating or destroying upstream water bodies will not impact the condition of downstream waters?
- Under the Clean Water Act, states must develop a list of impaired and threatened water bodies and every pollutant criteria that is exceeded. Total maximum daily loads (TMDLs) are then determined, representing the total amount of contaminants (chemical contaminants, fecal bacteria, heavy metals, etc.) the impaired/threatened waters can receive and still remain in compliance with existing water quality criteria. In reconsidering the Clean Water Rule, has EPA studied the expected effect on identified impaired waters in terms of water quality exceedances? Please provide any information the agency possesses about whether any waters are expected to be listed as impaired/threatened due to any repeal or weakening of the rule.

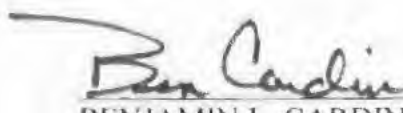
Subject to the Administrative Procedure Act, the Clean Water Rule was carefully evaluated over many years and nearly 90% of the more than 1 million public commenters supported the proposal.⁴ Moreover, we are concerned that revising or revoking this rule will only increase uncertainty amongst farmers, developers, and other stakeholders that want clarity about what water bodies the law protects from pollution.

We urge you to continue EPA's mission of making the protection of human and environmental health your highest priority, and we appreciate your prompt attention to this matter.

Sincerely,



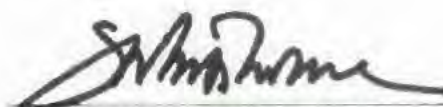
BRIAN SCHATZ
U.S. Senator



BENJAMIN L. CARDIN
U.S. Senator



CHRIS VAN HOLLEN
U.S. Senator



SHELDON WHITEHOUSE
U.S. Senator

⁴ U.S. Environmental Protection Agency, Clean Water Rule Response to Comments – Mass Mailing Campaigns.
http://www.epa.gov/sites/production/files/201506/documents/cwr_response_to_comments_mass_mailing_campaigns.pdf



KIRSTEN GILLIBRAND
U.S. Senator



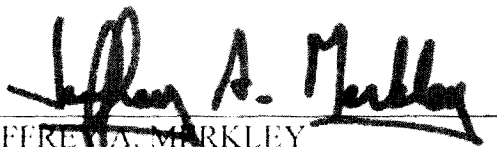
RICHARD BLUMENTHAL
U.S. Senator



JACK REED
U.S. Senator



MARGARET WOOD HASSAN
U.S. Senator



JEFFREY A. MARKLEY
U.S. Senator



EDWARD J. MARKEY
U.S. Senator



CORY A. BOOKER
U.S. Senator

United States Senate

WASHINGTON, DC 20510

April 7, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

On March 28, 2017, President Trump signed an Executive Order directing federal agencies to review federal regulations intended to address climate change, including the Clean Power Plan. The same day you signed a Federal Register notice describing the review process the Environmental Protection Agency (EPA) will undertake to consider whether to suspend, revise or rescind the Clean Power Plan. Rescinding the Clean Power Plan will put generations of Americans at grave health and economic risk. We seek further information concerning the process and schedule the EPA plans to use to carry out the Executive Order's (EO's) directives. We also want to know how the agency intends to meet its legal obligations to address carbon pollution emissions if the Clean Power Plan is rescinded.

The EPA has a clear legal obligation to address carbon pollution emissions. After reviewing thousands of peer-reviewed scientific studies, former EPA Administrator Lisa Jackson issued a final Endangerment Finding in December 2009. EPA determined that six greenhouse gas pollutants may reasonably be anticipated to endanger public health or welfare. The agency also found that carbon dioxide (CO₂) is the "primary greenhouse gas emitted through human activities" and accounts for about "80.8% of all U.S. greenhouse gas emissions from human activities."^[1] The largest sources of carbon dioxide – according to electric utility reporting – comes from our nation's fossil fuel power plants.^[2]

In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.^[3]

In August 2015, the EPA finalized the Clean Power Plan to reduce carbon pollution from power plants, after an unprecedented two-year outreach and engagement process with states and stakeholders, and after taking into consideration 4.3 million comments submitted during the formal notice and comment process. The Clean Power Plan, which reflects the concerns, input

^[1] <https://www.epa.gov/climatechange/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>

^[2] <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

^[3] <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

and priorities of states, the electric power sector and the public, gives states and electric utilities the time and flexibility to meet reasonable carbon pollution emissions reduction targets, allowing five years until reductions need to begin. The Clean Power Plan provides both long-term certainty for our nation's power sector, and tools to enable the more than two dozen states that have policies either limiting power sector CO2 emissions, or expanding renewable energy, to integrate those policies with a national program.

Rescinding the Clean Power Plan also means that Americans will never realize its numerous health and economic benefits. The EPA estimated the Clean Power Plan would cut emissions from power plants 32 percent below 2012 levels by 2030. In 2030, the pollution standards will deliver climate and health benefits of up to \$90 billion dollars and reduce household energy prices by \$85 per year.^[4]

Walking away from the Clean Power Plan, and other efforts to address climate change, will also increase risks to the federal budget and taxpayers. The costs of inaction on climate are so troubling that the Government Accountability Office (GAO) has listed climate change on the agency's High Risk List since 2013 because it is a "significant financial risk to the federal government."^[5]

Knowing the health and economic benefits of the Clean Power Plan, and the risks our nation faces by not reducing CO2 emissions from power plants, please respond to the following:

1. Please provide a detailed description, including a schedule with milestones, of the review process that the EPA will follow respect to the Clean Power Plan.
2. In the event that the EPA review determined that a rulemaking to suspend, revise or rescind the Clean Power Plan is needed, please provide a detailed description of the process the agency would follow in such a case. Please include relevant timelines and milestones.
3. Please identify the actions the EPA will take to ensure inclusive, extensive, and productive outreach to, and engagement with, the power sector, states, stakeholders and the public as the agency implements the Executive Order.
4. During an exchange with Senator Gillibrand during your confirmation hearing before the Environment and Public Works Committee, you stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment finding, has obligations to address the CO2 issue." If the EPA rescinds the Clean Power Plan, how does the agency intend on fulfilling its legal obligations to address carbon pollution emissions? Please explain in detail how an alternative to the Clean Power Plan would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.
5. On March 9, 2017, you made the following statement about carbon dioxide on CNBC:
"So no, I would not agree that it's a primary contributor to the global warming that we

^[5] http://www.gao.gov/highrisk/limiting_federal_government_fiscal_exposure/why_did_study


see." This comment directly contradicts: a) your testimony and answers provided in response to questions for the record during your confirmation process; b) the EPA's endangerment finding, which was upheld by the D.C Circuit Court of Appeals; and c) the views of 196 countries and 97 percent of climate scientists. Between the time of your confirmation hearing and your March 9 statement, did you obtain additional scientific information or analysis supporting your March 9 statement and contradicting your statements about CO2 during your confirmation process? If so, please provide us with that information and analysis.

6. What assurances can you provide us that your answer to Senator Gillibrand's question and similar statements you made at your confirmation hearing, as opposed to your statement on March 9, will guide the work of the EPA in carrying out the directives in the Executive Order?
7. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to any decision you take in EPA's review or under the Executive Order with respect to the Clean Power Plan.
8. The contention that the Clean Power Plan is a deathblow to coal industry jobs is highly questionable. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.¹⁶¹ Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

As we continue to hear from our constituents and local and state officials on this matter, we may have additional questions for you in the future. In the meantime, we would appreciate your thorough responses to these requests by no later than May 4, 2017. If you or your staff have questions about these requests, your staff may contact Laura Haynes Gillam of Senator Carper's staff at 202-224-8832.


We appreciate your prompt attention to our requests.

Sincerely,


Tom Carper
U.S. Senator



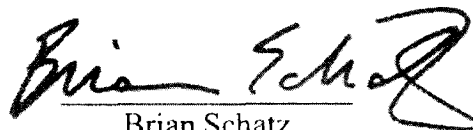
Al Franken
U.S. Senator



Maggie Hassan
Margaret Wood Hassan
U.S. Senator



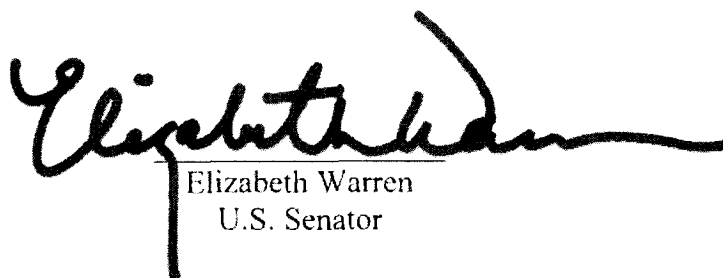
Richard Blumenthal
U.S. Senator



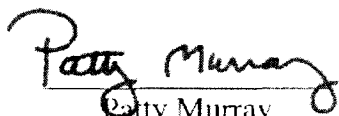
Brian Schatz
U.S. Senator



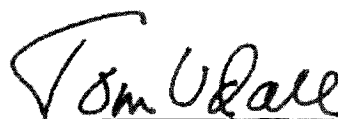
Sheldon Whitehouse
U.S. Senator




Elizabeth Warren
U.S. Senator



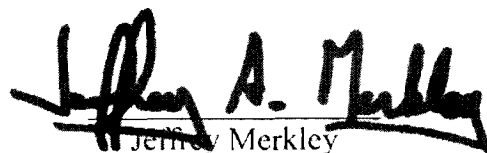
Patty Murray
U.S. Senator



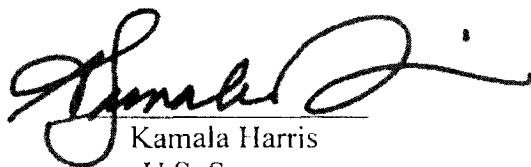
Tom Udall
U.S. Senator



Jeanne Shaheen
U.S. Senator



Jeffery Merkley
U.S. Senator



Kamala Harris
U.S. Senator



Michael Bennet
U.S. Senator

Edward J. Markey

Edward J. Markey
U.S. Senator

Chris Coons

Christopher Coons
U.S. Senator

Ron Wyden

Ron Wyden
U.S. Senator

Kirsten Gillibrand

Kirsten Gillibrand
U.S. Senator

Mazie Hirono

Mazie K. Hirono
U.S. Senator

Amy Klobuchar

Amy Klobuchar
U.S. Senator

Robert F. Menendez

Robert Menendez
U.S. Senator

Dianne Feinstein

Dianne Feinstein
U.S. Senator

Maria Cantwell

Maria Cantwell
U.S. Senator

Chris Van Hollen

Chris Van Hollen
U.S. Senator

United States Senate

WASHINGTON, DC 20510

July 17, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Room 3000
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary
Office of the Assistant Secretary of the Army for Civil Works
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write to request a minimum of a 90-day extension to the proposed comment period mandated by the Environmental Protection Agency's (EPA) proposal to rescind the 2015 Clean Water Rule, 80 Fed. Reg. 37054 (Jun. 29, 2015).

The 30-day comment period EPA proposes in its Notice of Proposed Rulemaking is far too short to allow full review, careful analysis, and heartfelt feedback from as many of the millions of Americans potentially impacted by this endeavor as wish to share their views, including the 117 million (or one in three Americans) who receive drinking water from the waterbodies affected by this proposal.

We would urge you to extend that comment period to at least the same duration as offered by the previous Administration when it first proposed the 2015 rule – 90 days. As you know, EPA and the Corps of Engineers extended the comment period twice in response to requests to do so, resulting in over 180 days of input. The full comment period extended from April 21—November 14, 2014, yielding more than a million comments. It makes no sense to deny affected and concerned Americans the same opportunity to weigh in on your proposal to rescind that rule.

All Americans depend on clean water for their health and livelihoods. Farmers need clean water to produce safe food; hunters and anglers—and the \$40 billion outdoor recreation industry that supports them—need nourishing waters and wetlands to sustain the fish and wildlife they seek; and it's no surprise that the 400,000 or so craft brewers and industry employees need access to fresh, healthy waters, too. They also want assurance that their fundamental right to clean water is not compromised by poor regulating, endless litigating, and the uncertainty this repeal of the Clean Water Rule promises. That is why 80 percent of voters and small business owners support the rule, why 87 percent of hunters and anglers agree that Clean Water Act protection should

apply to the smaller headwaters and wetlands identified by the Clean Water Rule, and why 87 percent of the million or so commenters on the Clean Water Rule said they liked it.

Given the stakes, any effort to change the Clean Water Rule should be based upon robust and meaningful consultation with the public. The 30-day comment period is simply not enough.

Since it is so important to allow the public adequate time to provide responses to this notice, we would appreciate your prompt reply to this request.

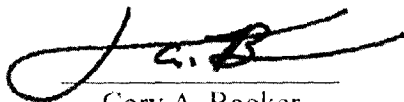
Sincerely,



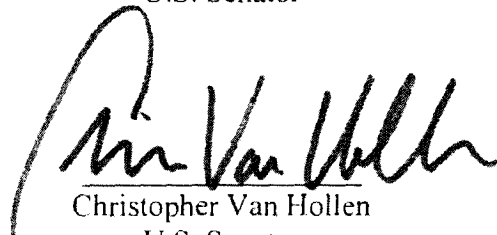
Tom Carper
U.S. Senator



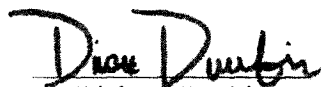
Edward J. Markey
U.S. Senator



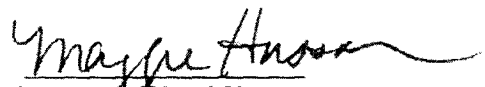
Cory A. Booker
U.S. Senator



Christopher Van Hollen
U.S. Senator



Richard Durbin
U.S. Senator



Margaret Wood Hassan
U.S. Senator



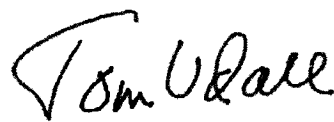
Robert P. Casey, Jr.
U.S. Senator



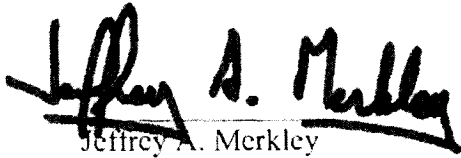
Benjamin L. Cardin
U.S. Senator




Sheldon Whitehouse
U.S. Senator



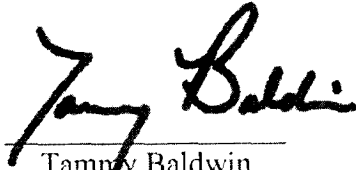
Tom Udall
U.S. Senator



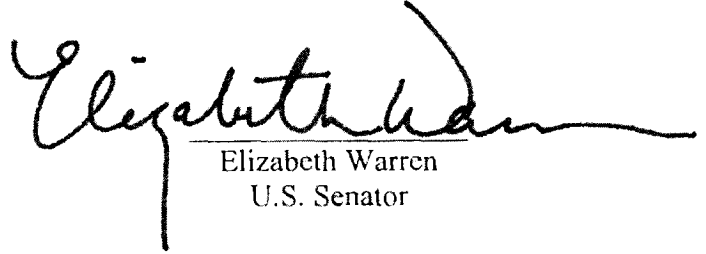
Jeffrey A. Merkley
U.S. Senator



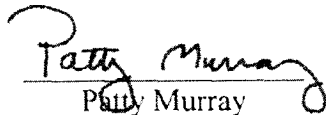
Jeanne Shaheen
U.S. Senator



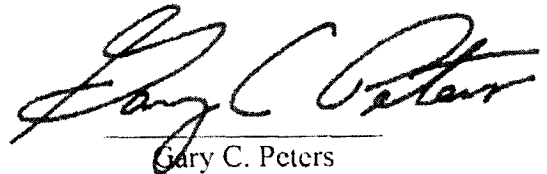
Tammy Baldwin
U.S. Senator



Elizabeth Warren
U.S. Senator



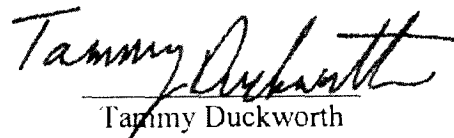
Patty Murray
U.S. Senator



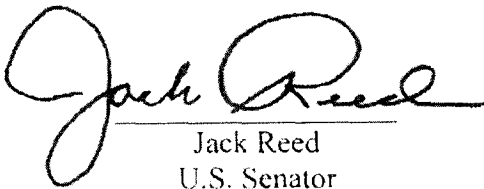
Gary C. Peters
U.S. Senator



Kamala D. Harris
U.S. Senator



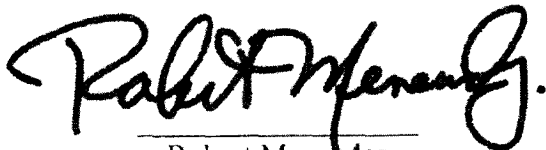
Tammy Duckworth
U.S. Senator



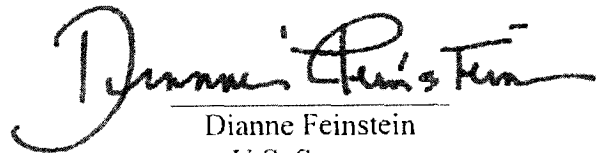
Jack Reed
U.S. Senator



Maria Cantwell
U.S. Senator



Robert Menendez
U.S. Senator



Dianne Feinstein
U.S. Senator

United States Senate

August 4, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

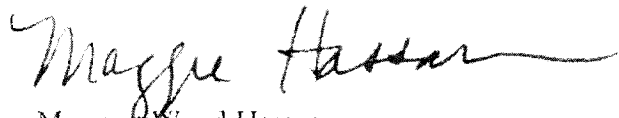
Dear Administrator Pruitt:

I write to request an update on the status of the Environmental Protection Agency's (EPA) Methods Update Rule under the Clean Water Act.

The Methods Update Rule was signed by the previous EPA Administrator in December 2016 and it makes a number of important revisions to analytical procedures for wastewater and other environmental sampling that will provide regulatory clarity and increased flexibility for municipalities and industry. My office has been contacted by business leaders in New Hampshire that are seeking clarity on the status of the Methods Update Rule and are supportive of the revisions and the cost-savings associated with the changes.

Ensuring that all Granite Staters and Americans have access to clean water is essential to public health, to the safety of our communities, and to the overall well-being of our state. Thank you for your prompt attention to this request.

With every good wish,

A handwritten signature in black ink that reads "Maggie Hassan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

September 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary of the Army
Office of the Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write in strong opposition to your proposed rule to weaken safeguards for the Nation's waterways. The proposed rule to repeal the 2015 Clean Water Rule upends the many years the EPA and US Army Corps of Engineers have taken to draft a rule that gave our constituents—and the cities, counties, states and businesses in which they live and work—the certainty that they need. As members of the United States Senate, we have a strong institutional interest in protecting Congress' original intent to protect important water bodies throughout the United States when it passed the Clean Water Act.

As we celebrate 45 years of the Clean Water Act this year, we recognize the enormous progress the nation has made in improving water quality, but realize that achieving the law's core objective—"to restore and maintain the chemical, physical, and biological integrity of the Nation's waters"—will take continued vigilance. That is why we reject your efforts to make it harder for our country's vital water bodies to meet that objective.

The 2015 Clean Water Rule was created to clear up longstanding confusion over which water bodies are protected by the Clean Water Act. The agencies took a pragmatic approach to more clearly define which water bodies get guaranteed coverage under the Clean Water Act and which ones are exempt through using the most up-to-date science and grounding the rule's safeguards on widely-accepted legal standards.

The water bodies at the center of the Clean Water Rule serve critical functions, from providing drinking water to filtering out pollution and replenishing groundwater. The 2015 rule recognizes the necessity of protecting our Nation's small streams, wetlands, and other critical waters.

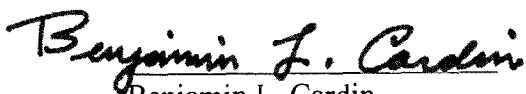
including streams that feed into the drinking water sources of 117 million Americans. Protecting these waters also directly benefits iconic bodies of water like Puget Sound, the Mississippi River, the Great Lakes, and the Chesapeake Bay. These waters support our communities, hunters and anglers, and water-dependent businesses like breweries and outdoor recreation. Because of these impacts, the agencies found that the public benefits of the rule would be as high as \$572 million per year and would significantly outweigh the rule's compliance costs.

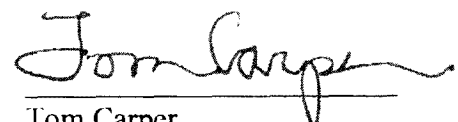
The agencies took years to develop the Clean Water Rule, notably including a scientific review that relied on over 1,200 peer-reviewed publications. The science confirms the significant relationship that tributaries, wetlands, and other waters have with the larger bodies of water into which they feed. The agencies also conducted a significant stakeholder engagement process that resulted in over 400 meetings and more than one million comments, approximately 87 percent of which supported the rule.

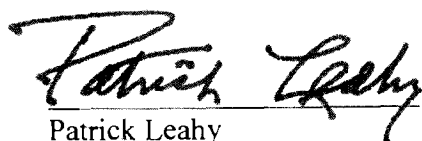
After years of uncertainty—created in large part by the conflicting *Riverside*, *SWANCC*, and *Rapanos* Supreme Court decisions—our constituents finally had a definition driven by science and not by the courts. In fact, as you note, President Trump, in his Executive Order on February 28, 2017, wrote, “[i]t is in the national interest to ensure that the Nation’s navigable waters are kept free of pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard to the roles of the Congress and the States under the Constitution.” For an administration to change the definition of what constitutes a water of the United States almost immediately upon entering office creates more, not less, regulatory uncertainty. We need stability and certainty for our constituents to be safe and our economy to grow.

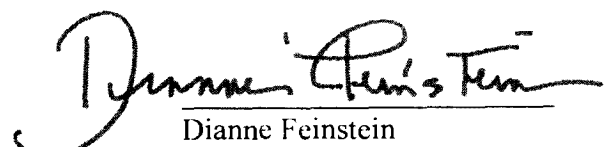
Now more than ever, it is clear that too many communities have to worry about access to clean, safe water. Vigorously implementing the Clean Water Act helps protect clean drinking water for everyone. We therefore urge your agencies to immediately withdraw the misguided proposal to repeal the 2015 Clean Water Rule.

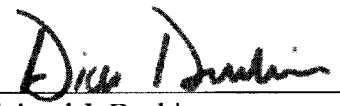
Respectfully submitted,



Benjamin L. Cardin
United States Senator

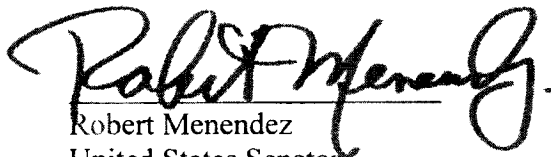

Tom Carper
United States Senator



Patrick Leahy
United States Senator

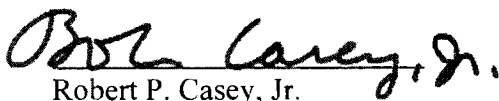

Dianne Feinstein
United States Senator



Richard J. Durbin
United States Senator



Jack Reed
United States Senator

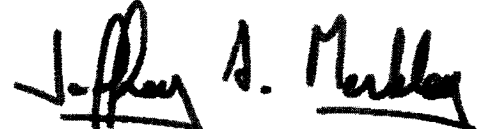

Robert Menendez
United States Senator


Bernard Sanders
United States Senator



Robert P. Casey, Jr.
United States Senator

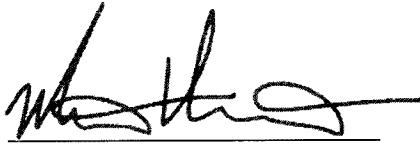

Sheldon Whitehouse
United States Senator

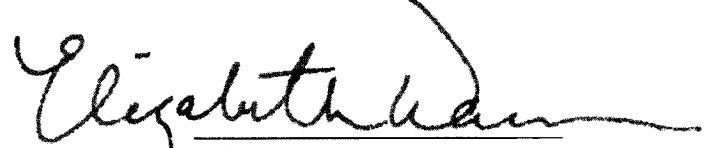

Jeanne Shaheen
United States Senator

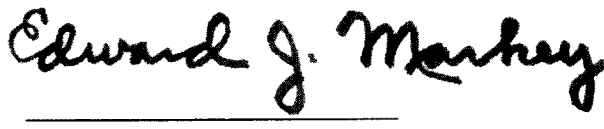

Jeffrey A. Merkley
United States Senator

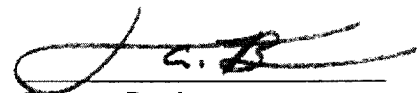

Kirsten Gillibrand
United States Senator

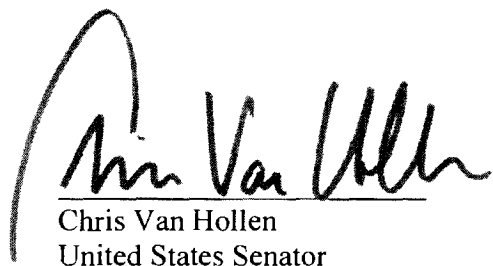

Richard Blumenthal
United States Senator


Martin Heinrich
United States Senator

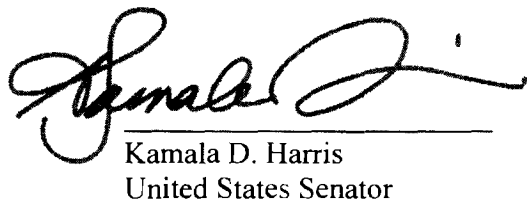

Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator

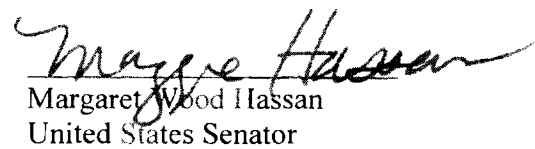

Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



Kamala D. Harris
United States Senator



Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

October 5, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We urge you to ensure that the EPA's final rule setting blending targets under the Renewable Fuel Standard (RFS) for 2018 promotes growth in the U.S. biofuel sector and in our economy.

When Congress adopted the RFS in 2005, its goal was to put in place a stable, forward-looking policy to drive innovation and investments that would bring biofuels to American consumers. The biofuel industry supports hundreds of thousands of jobs throughout the country, reduces the environmental impact of our transportation and energy sectors, and cuts our reliance on foreign oil. The stability of our policy has led to billions of dollars of investment in the biofuel sector. America's production capacity has expanded more than threefold since 2005 with fuels such as biodiesel, cellulosic ethanol, recycled-waste, algal, and other advanced biofuels.

We need to build on this progress. The 2017 final RFS rule set Renewable Volume Obligations (RVO) at the levels Congress intended. The 2018 proposed rule, while positive for maintaining the maximum blending target for conventional biofuel at 15 billion gallons, would represent a step back when it comes to advanced biofuels, resulting in less renewable fuels being blended than in 2017. The rule unjustifiably flatlines biomass-based diesel, reduces advanced biofuels, and reduces the cellulosic biofuel blending target by about 25 percent. The agency arrives at these lower targets by utilizing a new methodology more reliant on historical data than projected volumes. The RFS must by law be administered in a forward-looking manner. The final rule should address these shortfalls.

In addition, the Notice of Data Availability the agency published on September 26 would lower the blending targets by the number of gallons of biofuels imported yet still permit these imported gallons to generate compliance credits. There are also reports that the agency is considering allowing exported gallons of biofuel to generate compliance credits. Taken together, these actions would reduce renewable fuel blending in the U.S. and create uncertainty for producers.

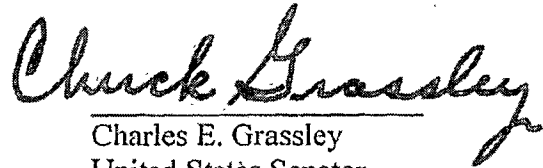
If done right, this rule is an opportunity to continue our nation's path to be not only the world leader in first generation ethanol production, but also in cellulosic ethanol and advanced biofuel production by spurring investment and manufacturing here in the United States rather than overseas.

We urge you to continue to implement the RFS as intended by Congress and release a strong final rule that would give consumers more choices at the pump, strengthen our economy and make our country more secure.

Sincerely,



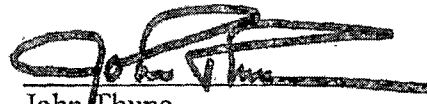
Amy Klobuchar
United States Senator



Charles E. Grassley
United States Senator



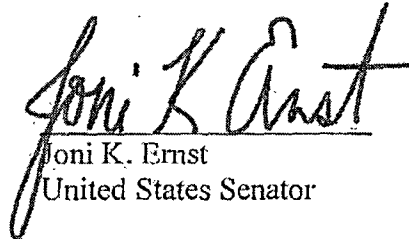
Richard J. Durbin
United States Senator



John Thune
United States Senator



Al Franken
United States Senator



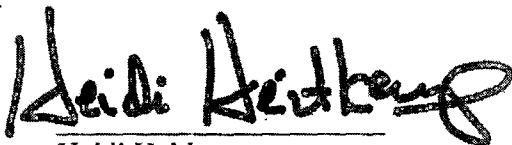
Joni K. Ernst
United States Senator



Sheldon Whitehouse
United States Senator



John Hoeven
United States Senator



Heidi Heitkamp
United States Senator



Deb Fischer
United States Senator



Debbie Stabenow
United States Senator



Roy Blunt
United States Senator



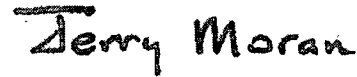
Claire McCaskill
United States Senator



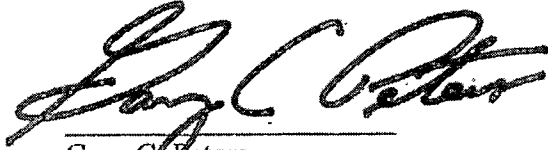
Pat Roberts
United States Senator



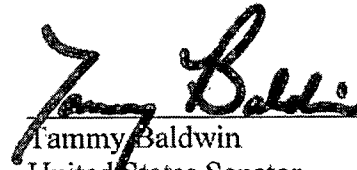
Mazie Hirono
United States Senator



Jerry Moran
United States Senator



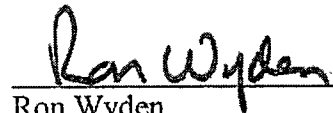
Gary C. Peters
United States Senator



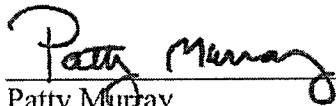
Tammy Baldwin
United States Senator



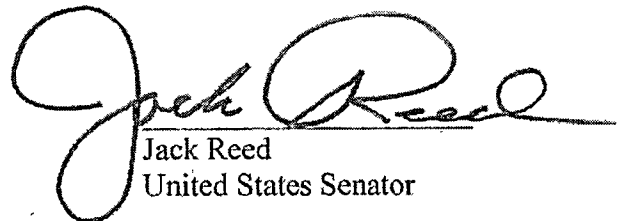
Tammy Duckworth
United States Senator



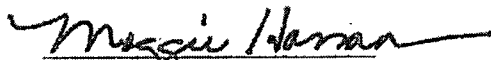
Ron Wyden
United States Senator



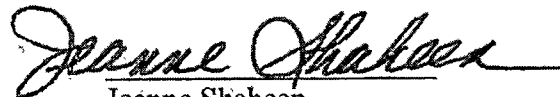
Patty Murray
United States Senator



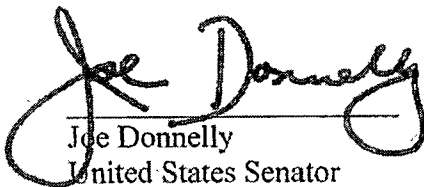
Jack Reed
United States Senator



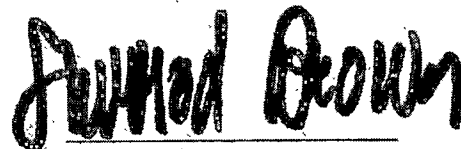
Maggie Hassan
United States Senator



Jeanne Shaheen
United States Senator



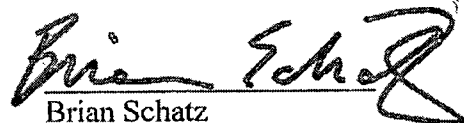
Joe Donnelly
United States Senator



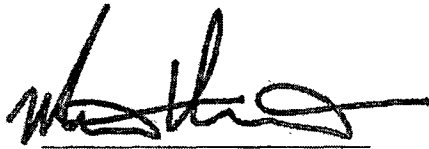
Sherrod Brown
United States Senator



Maria Cantwell
United States Senator



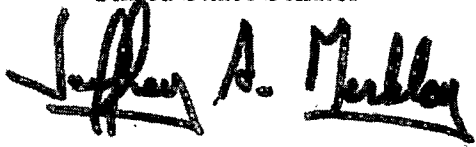
Brian Schatz
United States Senator



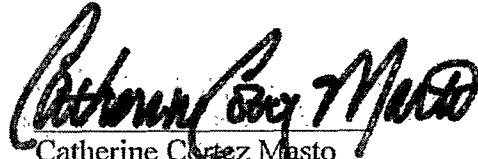
Martin Heinrich
United States Senator



Bill Nelson
United States Senator



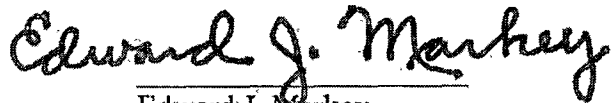
Jeffrey A. Merkley
United States Senator



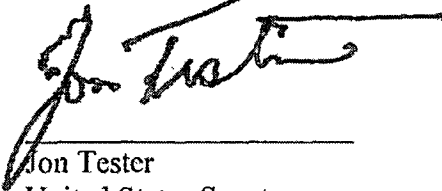
Catherine Cortez Masto
United States Senator



Richard Blumenthal
United States Senator



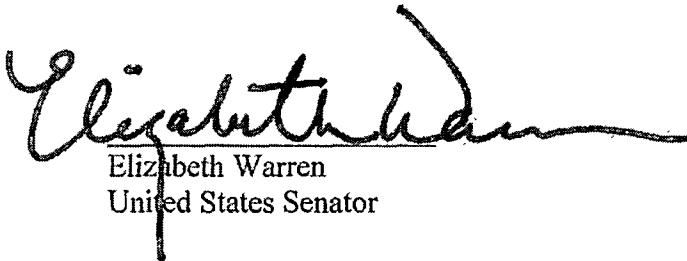
Edward J. Markey
United States Senator



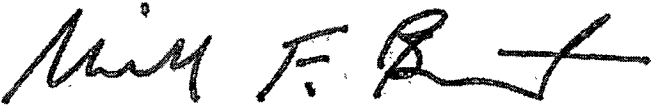
Jon Tester
United States Senator



Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Michael Bennet
United States Senator

United States Senate

WASHINGTON, DC 20510

February 1, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler:

We write to you regarding recent media reports citing that the Environmental Protection Agency (EPA) does not intend to establish enforceable drinking water standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as part of the agency's national management plan for this class of chemicals. If this is accurate, EPA's inaction would be a major setback to states and affected communities. Therefore, we urge you to develop enforceable federal drinking water standards for PFOA and PFOS as well as institute immediate actions to protect the public from contamination from additional per- and polyfluoroalkyl substances (PFAS).

As you are aware, PFAS chemicals have emerged as a widespread contaminant in drinking water sources in several communities across the nation. While the risks associated with PFAS exposure are still being uncovered, studies have linked these unregulated emerging contaminants to a number of adverse health effects. On May 19, 2016, the EPA established lifetime health advisory levels for PFOA and PFOS. These health advisories, however, are non-enforceable and deprive states of much-needed federal guidance on how to determine and implement effective drinking water standards for PFOA and PFOS chemicals.

In the absence of federal standards, states have been forced to create their own drinking water regulations for PFAS. This uncoordinated process has led to a patchwork of conflicting drinking water standards and guidelines in nine states with widely varying maximum contaminant levels. Moreover, the varying levels of standards have caused confusion among regulated entities and affected communities who wonder if their regulations are sufficient.

Federal safe drinking water standards are critical to addressing public concerns and allow for states to focus their efforts and limited resources on implementation and compliance assurance. Without enforceable drinking water standards for PFOA and PFOS, it is doubtful that a national management strategy will sufficiently confront the challenges PFAS chemicals pose to states and affected communities. This decision would also fail to consider ongoing interagency efforts to determine the human health implications of contamination from PFAS, including the nationwide study being conducted by the Agency for Toxic Substances and Disease Registry (ATSDR).¹ We urge you to ensure that EPA's National PFAS Management Plan includes a commitment to

¹ The National Defense Authorization Acts for 2018 and 2019 authorized a transfer of funds from the Department of Defense to ATSDR to study PFAS exposure and related human health outcomes. This includes exposure assessments, community engagement, a health study at Pease International Tradeport in New Hampshire and a national multi-site health study.

develop federal drinking water standards for PFOA and PFOS, pursuant to the Safe Drinking Water Act. We also request that EPA provide briefings to our offices on the agency's efforts on this issue, as well as regular updates on the progress of those efforts.

Safe drinking water is essential to the health and well-being of every American. And while our nation's water quality is among the highest in the world, we now face a serious challenge: aggressively addressing the health and environmental threats connected with PFAS. We believe it is imperative that the EPA show leadership and help protect American families from these harmful materials. We thank you for your attention to this important matter and look forward to your timely response.

Sincerely,



JEANNE SHAHEEN
United States Senator



SHELLEY MOORE CAPITO
United States Senator



MARGARET WOOD HASSAN
United States Senator



DEBBIE STABENOW
United States Senator



THOMAS R. CARPER
United States Senator



TOM UDALL
United States Senator



MARIA CANTWELL
United States Senator



PATTY MURRAY
United States Senator




ROBERT P. CASEY, JR.
United States Senator




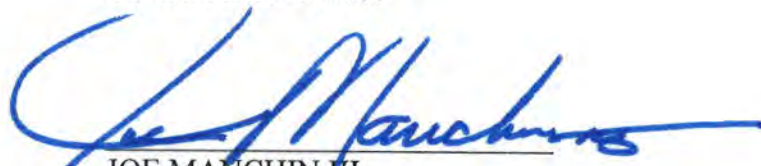
PATRICK LEAHY
United States Senator

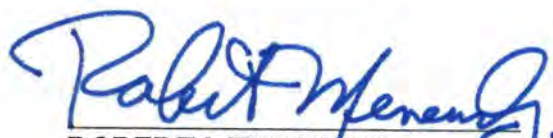

JACK REED
United States Senator


MARTIN HEINRICH
United States Senator



SHERROD BROWN
United States Senator


BERNARD SANDERS
United States Senator


JOE MANCHIN III
United States Senator


ROBERT MENENDEZ
United States Senator


KIRSTEN GILLIBRAND
United States Senator


ELIZABETH WARREN
United States Senator


GARY C. PETERS
United States Senator


THOM TILLIS
United States Senator

United States Senate

WASHINGTON, DC 20510

April 26, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Alexandra Dapolito Dunn
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Administrator Wheeler, Assistant Administrator Dunn,

We write with deep concerns regarding the EPA's final rule banning methylene chloride, a likely human carcinogen and acutely lethal chemical used in paint and coating removal products sold for both consumer and commercial uses. While EPA's decision to ban consumer uses of this chemical¹ is a welcome and overdue step, the decision to exclude commercial uses of the chemical from the ban leaves workers (more than 50 of whom have already been killed due to exposures to this chemical) without the protection they need and the law requires. We urge you to immediately move to finalize a ban that will eliminate the unreasonable risks posed by commercial uses of methylene chloride paint strippers.

In the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Congress directed EPA to consider risks encountered by "potentially exposed or susceptible subpopulations" due to exposures to chemical substances. These subpopulations were further defined as "a group of individuals within the general population identified by the Administrator who, due to either great susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly."²

More than two years ago, EPA determined that methylene chloride presents unreasonable risks to workers, consumers, and bystanders when used in paint and coating removal products, and that a ban on consumer and commercial uses of methylene chloride paint strippers was necessary to address those risks. On January 19, 2017, EPA proposed a prohibition on methylene chloride for consumer and most types of commercial paint and coating removal uses,³ and found in its

¹ https://www.epa.gov/sites/production/files/2019-03/documents/ocspp-19-000-3427_fm.pdf

² 15 U.S.C. 2602

³ <https://www.federalregister.gov/documents/2017/01/19/2017-01222/methylene-chloride-and-n-methylpyrrolidone-regulation-of-certain-uses-under-tsca-section-6a>

proposed rule that methylene chloride posed an unreasonable risk to workers. In fact, the Occupational Safety and Hazard Administration (OSHA) told EPA that the OSHA worker protection standard for methylene chloride exposure is more than 20 years old,⁴ and that OSHA does not believe that standard is protective enough given the risks to workers that were identified by EPA. In its proposed rule, EPA even assessed whether a worker training program for the proper use of respirators for methylene chloride paint strippers could be effective, and concluded it would be too costly and would likely result in companies voluntarily using alternatives to methylene chloride. Yet despite all of these considerations, EPA finalized a ban that exempts workers and at the same time, requested comments on a potential future rule to provide more worker training measures.

We do not have to look far to learn about the deadly impacts of methylene chloride on commercial users of the chemical. Among the dozens of documented deaths, the chemical robbed (b) (6) and (b) (6) of their futures when they succumbed to methylene chloride while stripping paint. Kevin was only 21 years old and Drew was 31 years old. Moreover, EPA estimated that every year, tens of thousands of workers across the country conduct paint and coating removal activities with methylene chloride.⁵ In particular, the agency identified workers in the building trades as a population that faces a disproportionate risk of adverse health effects from exposure to this chemical. Among them, the agency noted that Latino, foreign-born, and limited-English proficiency workers are particularly vulnerable to exposure.⁶

Given the dozens of deaths of workers, among even those who had been properly equipped and trained to protect themselves against methylene chloride exposure, EPA's failure to protect commercial users of methylene chloride in its ban is likely to lead to more illnesses and deaths that are entirely preventable. Accordingly, we urge you to quickly withdraw the agency's Advanced Notice of Proposed Rulemaking for a Commercial Paint and Coating Removal Training, Certification and Limited Access Program for methylene chloride,⁷ and finalize a ban to ensure that both consumer and commercial users of this deadly chemical are protected.

Sincerely yours,

⁴ <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0231-0153>

⁵ <https://www.federalregister.gov/d/2017-01222/p-157>

⁶ <https://www.federalregister.gov/d/2017-01222/p-162>

⁷ https://www.epa.gov/sites/production/files/2019-03/documents/ocssp-19-000-3427_anprm.pdf



Thomas R. Carper
United States Senator



Tom Udall
United States Senator



Charles E. Schumer
United States Senator



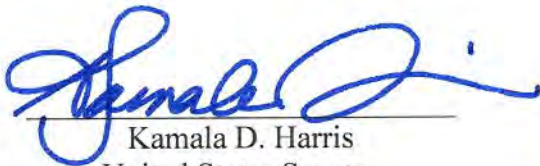
Edward J. Markey
United States Senator



Sherrod Brown
United States Senator



Sheldon Whitehouse
United States Senator



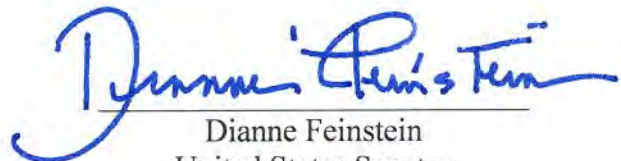
Kamala D. Harris
United States Senator



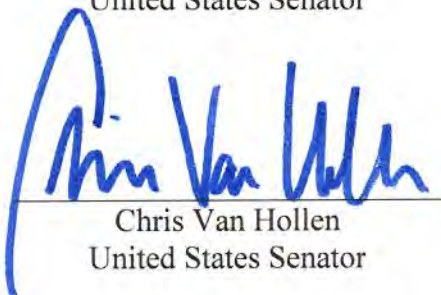
Richard Blumenthal
United States Senator



Jeffrey A. Merkley
United States Senator



Dianne Feinstein
United States Senator



Chris Van Hollen
United States Senator



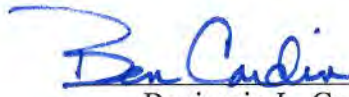
Richard J. Durbin
United States Senator

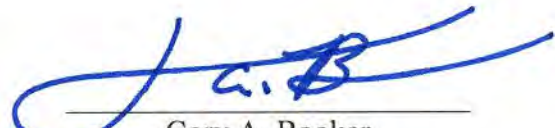


Bernard Sanders
United States Senator





Tammy Duckworth
United States Senator



Benjamin L. Cardin
United States Senator

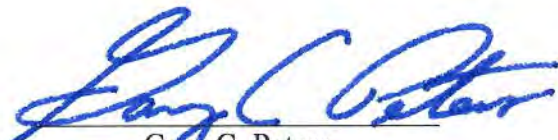

Cory A. Booker
United States Senator

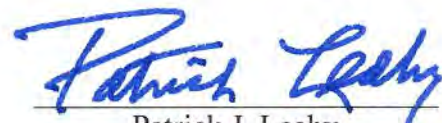

Kirsten Gillibrand
United States Senator


Elizabeth Warren
United States Senator


Debbie Stabenow
United States Senator


Tina Smith
United States Senator


Gary C. Peters
United States Senator


Patrick J. Leahy
United States Senator

United States Senate

WASHINGTON, DC 20510

August 23, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

We write in response to the Environmental Protection Agency's (EPA) proposed Renewable Volume Obligations (RVOs) for advanced biofuel for calendar year 2019 and biomass-based diesel for calendar year 2020. We appreciate that the proposed volumes acknowledge the U.S. biodiesel industry's demonstrated production capacity, which supports jobs and economies in rural communities across the nation. However, the proposal fails to include the necessary signals that EPA will ensure the annual RVOs are fully met. Therefore, we urge you to address this shortcoming in the final rule.

Biodiesel is the first EPA-designated advanced biofuel to reach commercial scale production nationwide. The biodiesel industry has met and exceeded the goals that Congress envisioned when it created the Renewable Fuel Standard (RFS) with bipartisan support. Additionally, biodiesel has consistently made up the majority of the annual advanced biofuel volumes. This ability to meet or exceed RVOs coupled with the substantial investments made by the biodiesel industry indicate that biodiesel can continue to grow in the near future. Importantly, every 500 million gallons of increased biodiesel production supports roughly 16,000 jobs, according to estimates.

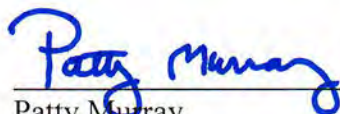
EPA's proposal would raise the biomass-based diesel volume for 2020 to 2.43 billion gallons and increase the advanced biofuel volume for 2019 to 4.88 billion gallons. While these proposed increases are encouraging, these volumes continue to underestimate the existing potential of the biodiesel and renewable diesel industries in our states. We believe the biodiesel industry can do more and that EPA should demonstrate more confidence in the RFS program's ability to drive growth. Increasing biomass-based diesel and advanced biofuel volumes would encourage investment in capacity and new fuel development.

Further, EPA must accurately account for small refiner economic hardship exemptions in the final rule. The proposed rule indicates EPA has not granted any such hardship exemptions for 2019 and therefore did not consider exemptions in the proposed volumes. EPA reportedly granted an unprecedented number of these exemptions for 2016 and 2017. It is estimated that these retroactive exemptions have reduced biomass-based diesel demand by almost 300 million gallons. It is critical that EPA appropriately account for any small refiner economic hardship exemptions that it reasonably expects to grant during the 2019 compliance year in the final rule, or EPA will not be able to fulfill its duty to ensure RVOs are met.

We have made great progress through the RFS in diversifying our nation's fuel supply while creating and sustaining jobs, strengthening local economies, generating tax revenues, and improving energy security. We urge you to continue to increase annual RVOs for biomass-based diesel and advanced biofuel and to ensure that, once set, the annual RVOs are fully met.

Thank you for your consideration.

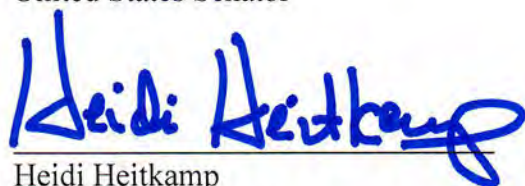
Sincerely,



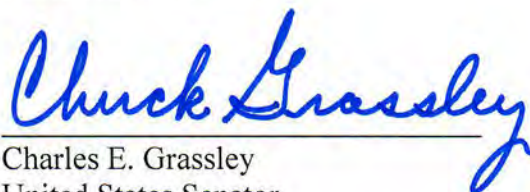
Patty Murray
United States Senator



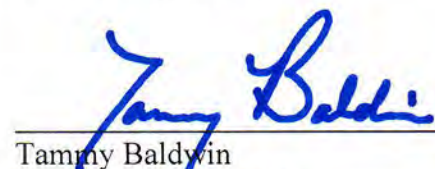
Roy Blunt
United States Senator



Heidi Heitkamp
United States Senator



Charles E. Grassley
United States Senator



Tammy Baldwin
United States Senator



Richard Blumenthal
United States Senator



Sherrod Brown
United States Senator



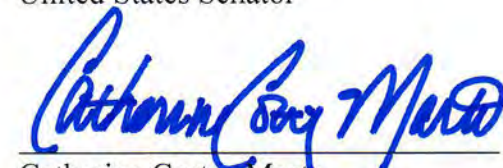
Maria Cantwell
United States Senator



Robert P. Casey, Jr.
United States Senator



Susan M. Collins
United States Senator



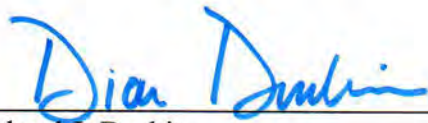
Catherine Cortez Masto
United States Senator



Joe Donnelly
United States Senator



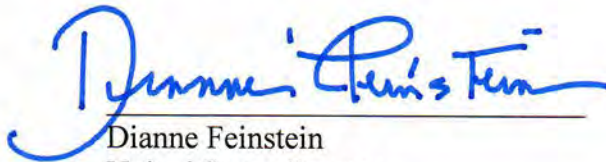
Tammy Duckworth
United States Senator



Richard J. Durbin
United States Senator



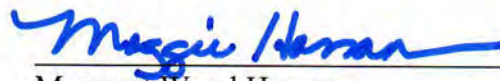
Joni K. Ernst
United States Senator



Dianne Feinstein
United States Senator



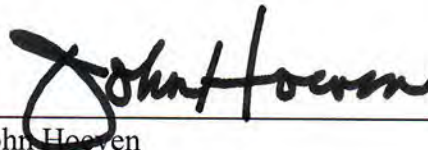
Deb Fischer
United States Senator



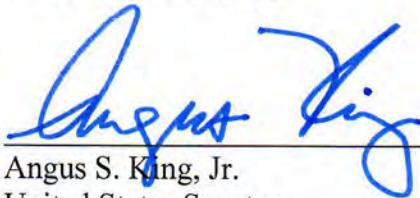
Margaret Wood Hassan
United States Senator



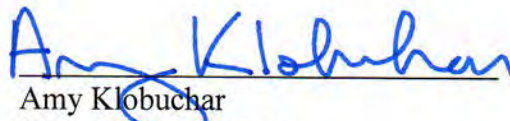
Mazie Hirono
United States Senator



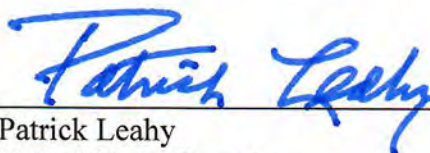
John Hoeven
United States Senator



Angus S. King, Jr.
United States Senator



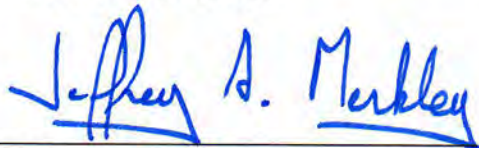
Amy Klobuchar
United States Senator




Patrick Leahy
United States Senator



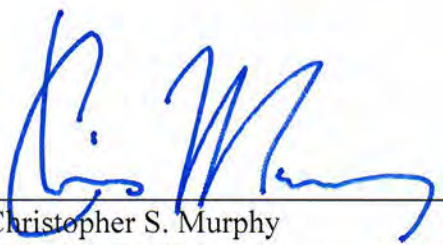
Claire McCaskill
United States Senator



Jeffrey A. Merkley
United States Senator



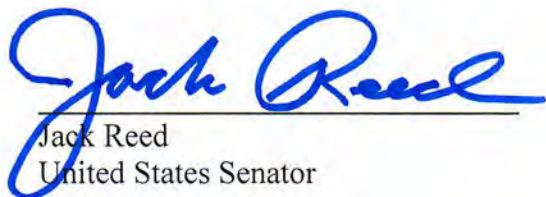
Jerry Moran
United States Senator



Christopher S. Murphy
United States Senator



Gary C. Peters
United States Senator



Jack Reed
United States Senator



Pat Roberts
United States Senator



Bernard Sanders
United States Senator



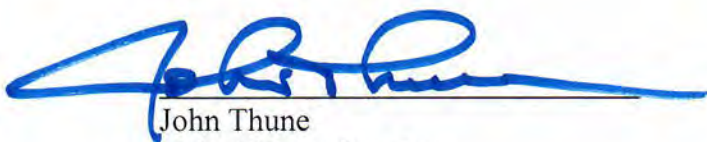
Jeanne Shaheen
United States Senator



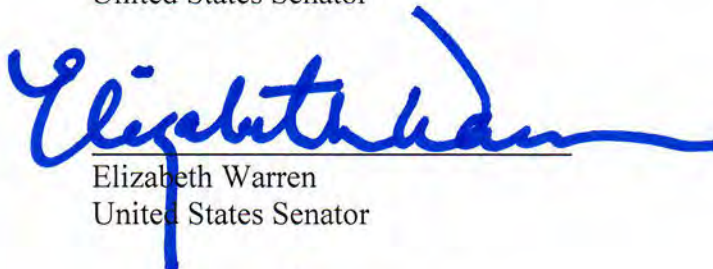
Tina Smith
United States Senator



Debbie Stabenow
United States Senator



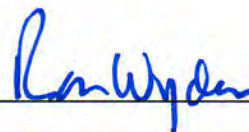
John Thune
United States Senator



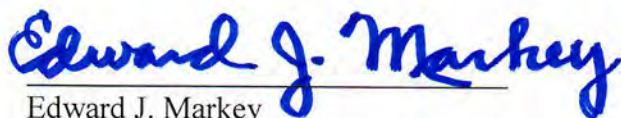
Elizabeth Warren
United States Senator



Sheldon Whitehouse
United States Senator



Ron Wyden
United States Senator



Edward J. Markey
United States Senator

United States Senate

WASHINGTON, DC 20510

January 25, 2017

The Honorable Donald Trump
President of the United States of America
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President:

We are gravely troubled by reports about the recent directive to all federal agencies to silence communications with the public and Members of Congress. The American people expect an open, transparent and honest government, and your actions are not only contrary to that expectation, they promote a long lasting culture of fear among federal employees and prevent them from following their mission to openly serve the American public. Additionally, these actions undermine trust in our Federal government and do little to support your “drain the swamp” pledge to “make the government honest again.”¹

According to reports, your Administration’s Beach Team² has directed the Environmental Protection Agency (EPA) and the Departments of Transportation, Agriculture³, Health and Human Services and Interior with memos that impose a gag order on career federal employees. These memos instructed employees to, among other things, immediately cease releasing any public-facing documents, ban the release of photos and press releases to the public and terminate the use of social media. According to reports and an emailed memo, EPA employees were instructed to remove the website’s climate change page containing links to scientific research on global warming, and the Beach Team targeted lists of EPA employees with pending speaking engagements for review.⁴ In addition, in some instances the Beach Team specifically directed employees not to send any correspondence to public officials, including Members of Congress and state and local officials.

As Members of Congress, we wanted to ensure that you are aware that it is against the law to interfere with federal employees communicating with Congress.⁵ It is also against the law

¹ <https://www.donaldjtrump.com/press-releases/trump-pledges-to-drain-the-swamp>

² Politico Pro. Trump restricts communications from health agencies. January 24, 2017

<https://www.apnews.com/55d484c19c28463e95c3b7c674d20bab> https://www.buzzfeed.com/dinograndoni/trump-usda?utm_term=.jk05K5jPAB#.dca1x1bPg5

http://www.reuters.com/article/us-usa-trump-epa-climatechange-idUSKBN15906G?feedType=RSS&feedName=domesticNews&utm_medium=Social&utm_source=Twitter

³ Reports have since stated that the Department of Agriculture has rescinded the gag order: <http://thehill.com/homenews/administration/316015-agriculture-department-lifts-order-for-lockdown-on-its-research-arm>

⁴ <https://www.politicopro.com/f/?id=00000159-d107-dc1f-a37d-d95fed210001>

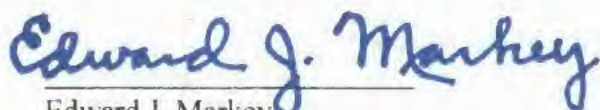
⁵ 5 U.S.C. § 7211 and 18 U.S.C. § 1505

to retaliate against career federal officials for following lawful policy directives.⁶ These recent actions, combined with your previous attempts as President-elect to solicit names of Energy Department employees who worked on climate change initiatives and State Department officials who worked on women's and gender issues are deeply troubling.

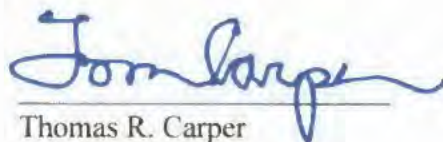
The agencies targeted by this latest directive are responsible for billions of dollars of taxpayer funded public research. This research helps find solutions to problems that affect Americans every day. Targeting the scientists at these agencies and prohibiting them from sharing the results of this research with the broader public is irresponsible and serves only to undermine the integrity and public trust in the federal government. Furthermore, these actions, particularly at the EPA, fly in the face of the Agency's current scientific integrity policy,⁷ which prohibits scientists, managers and other Agency leadership from suppressing, altering or otherwise impeding the timely release of scientific findings or conclusions. Previous Republican and Democratic administrations have protected the free flow of information and the sharing of agencies' views with the public.

Given your commitment to the rule of law and peaceful transition of power, we respectfully ask that any directives are immediately reversed and that you ensure that the dedicated federal civil servants of this country receive the respect they deserve and are immediately made aware of their clear protections under the law.

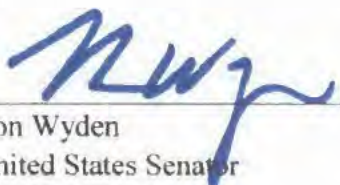
Sincerely,



Edward J. Markey
United States Senator



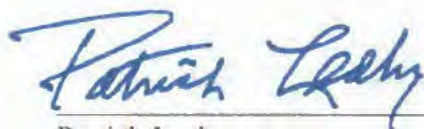
Thomas R. Carper
United States Senator



Ron Wyden
United States Senator



Bernard Sanders
United States Senator



Patrick Leahy
United States Senator



Tom Udall
United States Senator

⁶ 5 U.S.C. § 2302(b)(8)

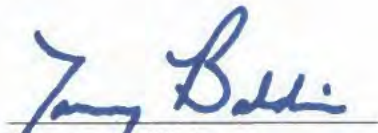
⁷ https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf



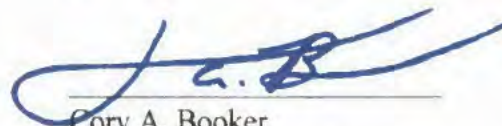
Richard Blumenthal
United States Senator



Elizabeth Warren
United States Senator



Tammy Baldwin
United States Senator



Cory A. Booker
United States Senator



Maria Cantwell
United States Senator



Kirsten Gillibrand
United States Senator

Congress of the United States
Washington, DC 20515

February 27, 2017

Mr. Michael Hiscock
Office of Research and Development
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC, 20460

RE: Freshwater Harmful Algal Blooms

Dear Mr. Hiscock:

We write in support of the application submitted by Candlewood Lake Authority to the U.S. Environmental Protection Agency (EPA) and its Science to Achieve Results (STAR) program. The funds from this grant will be used to observe harmful freshwater algal blooms. The Candlewood Lake Authority is a local government-funded agency, which provides public safety and environmental management on behalf of the municipalities surrounding Candlewood Lake (which includes Brookfield, Danbury, New Fairfield, New Milford, and Sherman), in collaboration with FirstLight Power Resources and the Connecticut Department of Energy and Environmental Protection.

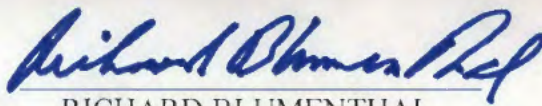
The Candlewood Lake Authority will use requested funds to purchase necessary equipment, supplies, transportation needs, and to cover cost of labor for in-lab and in-field research into the impact of algal blooms on Candlewood Lake. Researchers will observe the algae blooms and analyze their findings in the Molecular Biology Laboratory located at Western Connecticut State University (WCSU). Candlewood Lake Authority has a strong partnership with WCSU, and has been recognized the previous three years as a member of the WCSU President's Higher Education Community Service Honor Roll for the Authority's involvement in regional issues and service to local communities.

Harmful algal blooms (HABs) are becoming more prevalent in freshwater bodies throughout the area, and unfortunately have led to diminished benefits of water resources and economic revenues they provide through various outlets, including tourism. HABs are also considered to be a genuine human health concern. Given the lack of understanding about these bloom events, this investment of taxpayer funds is worthwhile; lake communities in Connecticut and elsewhere need better information as to the causes of HABs. This research will contribute to our overall understanding of the issue, both in Connecticut and nationwide. In addition, results from analyses of samples collected at the public beaches on Candlewood Lake – Connecticut's largest and recreationally most important lake – will provide State and municipal public health officials quantitative data on health risks related to HABs in their town.

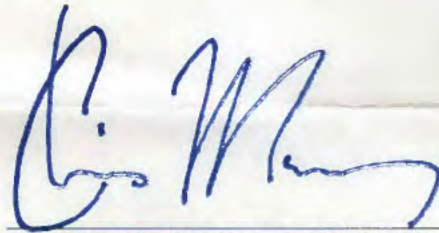
The Candlewood Lake Authority has been a strong advocate for the protection and preservation of the Candlewood Lake so that surrounding communities, and countless visitors to the region, can enjoy its beauty and recreational opportunities. Their work has garnered the support from numerous local elected officials, including

State Representative Bob Godfrey, State Representative David Arconti, New Milford Mayor David Gronbach, and Town of Brookfield First Selectman Steve Dunn. There is general consensus that the research produced by this grant would bring tremendous environmental benefits to the area. We therefore fully support the application submitted by the Candlewood Lake Authority to the U.S. Environmental Protection Agency. Thank you for your consideration.

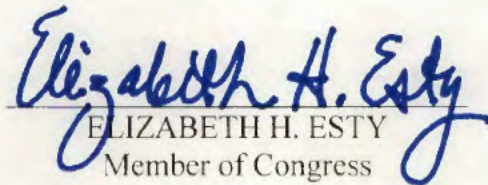
Sincerely,



RICHARD BLUMENTHAL
United States Senate



CHRISTOPHER S. MURPHY
United States Senate



ELIZABETH H. ESTY
Member of Congress

United States Senate

WASHINGTON, DC 20510

March 7, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt,

We write in support of the Environmental Protection Agency's (EPA) Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards and urge you to not withdraw this Final Determination or reopen the EPA's Midterm Evaluation of the emissions standards for model years 2022-2025. These automobile emissions standards are economically feasible and technologically achievable for the auto industry as the Final Determination demonstrates. They will enhance our national security by reducing our consumption of foreign oil. They will benefit consumers, saving them billions of dollars at the pump and reduce our carbon pollution. They provide certainty to the auto industry, which is already investing in the technologies and designs for the vehicles they will sell in these later years of the program. It is critical that they remain in place.

During your confirmation hearing in the Senate Environment and Public Works (EPW) Committee, you were asked whether you would respect both EPA's finding that greenhouse gas emissions from motor vehicles endanger public health and welfare and the Supreme Court's decision that the EPA must therefore regulate motor vehicle greenhouse gas emissions. You affirmed that the Supreme Court's landmark decision in *Massachusetts v. EPA* is the "law of the land." You further stated that you would "enforce and respect" the EPA's endangerment finding on greenhouse gas emissions. Keeping the EPA's Final Determination in place goes right to the heart of enforcing and respecting the endangerment finding.

These vehicle emissions standards are critical to our national security. We still import more than three million barrels of oil every day from OPEC nations. We still import nearly five million barrels of oil a day overall. Not keeping these emissions standards in place would only deepen that dependence on foreign oil and weaken our national security. Indeed, EPA estimates that these standards will reduce oil consumption by 1.2 billion barrels.

These standards do and will benefit consumers. The EPA found that the net benefits of these standards are nearly \$100 billion. In fact, in all scenarios, including a scenario where fuel prices are low, the EPA found that the benefits for consumers far outweigh the costs.

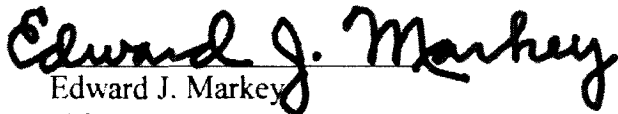
Auto companies have thrived under these standards. They have added 700,000 jobs since 2009 when the standards began to be implemented. Sales have increased for seven straight years to an

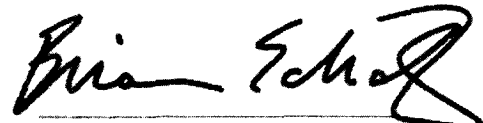
all-time record high in 2016, all while the industry was rebounding from the economic recession, and while on average, manufacturers outperformed the emission standards for each of the first four years of the program.

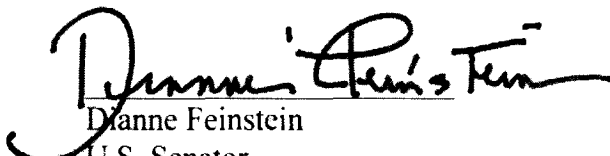
The EPA's Final Determination was based on extensive technical analysis by the EPA, the Department of Transportation and the California Air Resource Board (CARB). Through multiple rounds of formal comment, as well as ongoing interaction between the agencies and industry, automakers provided substantial input to the agencies during the process and the agencies took industry data and positions into account in drawing their conclusions. Those conclusions demonstrate that the auto industry can meet these fuel economy emissions standards with already available and cost-effective technologies. The EPA conducted an open process and the Final Determination was informed by the more than 100,000 public comments the agency received. EPA's technical conclusions were consistent with the conclusion of the 2015 study by the National Academies of Science that the 2025 standards could be achieved primarily with advanced gasoline technologies.

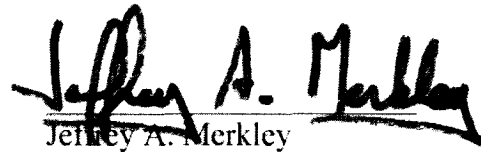
Withdrawing the Final Determination and reopening the EPA's Midterm Evaluation of these standards could weaken our energy security, harm consumers, and increase global warming pollution. It would also create needless uncertainty for the auto industry and hinder the industry's ongoing progress. We therefore urge you to reject any requests to withdraw EPA's Final Determination regarding the appropriateness of these fuel economy emissions standards.


Sincerely,



Edward J. Markey
U.S. Senator

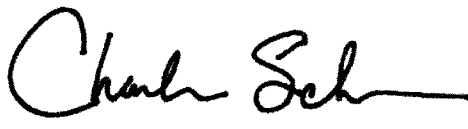

Brian Schatz
U.S. Senator



Dianne Feinstein
U.S. Senator

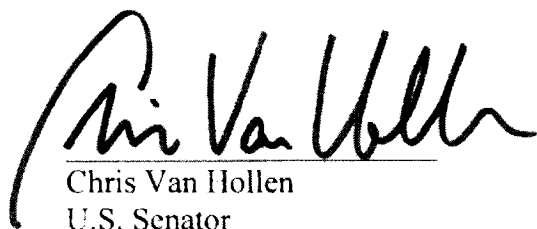

Jeffrey A. Merkley
U.S. Senator


Richard Blumenthal
U.S. Senator



Maria Cantwell
U.S. Senator


Charles E. Schumer
U.S. Senator



Thomas R. Carper
U.S. Senator




Chris Van Hollen
U.S. Senator



Sheldon Whitehouse
U.S. Senator



Bernard Sanders
U.S. Senator



Richard J. Durbin
U.S. Senator

Congress of the United States
Washington, DC 20515

March 15, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

We are writing to strongly oppose any cuts to the Environmental Protection Agency's Long Island Sound geographic program in the President's FY2018 budget request to Congress. Any cuts to this program would have a detrimental impact on ongoing efforts to restore and protect Long Island Sound's water quality and harm the quality of life for the millions of our constituents who live, work and recreate on or near the Sound.

Federal funding to continue the Environmental Protection Agency's program for Long Island Sound is critical to our regional economies and the quality of our environment. The Long Island Sound is one of 28 estuaries included in the National Estuary Program, and with more than 23 million people living within 50 miles of the Sound, it is a major contributor of economic development and a source of recreation for residents and visitors alike. According to the Long Island Sound Study, the annual economic value of the sound is between \$17 billion and \$37 billion each year. The Sound is home to more than 120 species of fish, which contribute to our states' vibrant commercial and recreational fishing industries.

In 2000 and 2006, respectively, Congress enacted the Long Island Sound Restoration Act and the Long Island Sound Stewardship Act, which together authorized critical funding for projects that improve water quality, restore and protect habitats, and increase public awareness to the issues affecting the Long Island Sound and its watershed. This funding has allowed the federal government, working with state and local partners, as well as with the private sector, to make significant progress in improving the Sound.

For example, as of 2015, the amount of nitrogen entering the Sound from sewage treatment plants has decreased by 42 million lbs. per year as a result of EPA funding. Continuing to fund the Long Island Sound Restoration and Stewardship Acts will allow the EPA to continue to work collaboratively with local stakeholders to address water quality and invest in new strategies to reduce pollution and improve the environmental quality of the region.

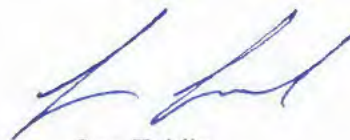
Important Environmental Protection Agency funding for the Long Island Sound Study area has been very effective in leveraging additional resources from state, local and private partners. According to the Long Island Sound Study Office, since 2006, for every \$1 in EPA funding, \$87 was leveraged from other sources.

Thank you for your attention to this request, and we urge you to work with us to ensure that this critical funding is retained for Fiscal Year 2018.

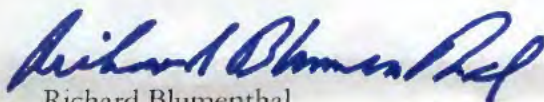
Sincerely,



Kirsten Gillibrand
United States Senator



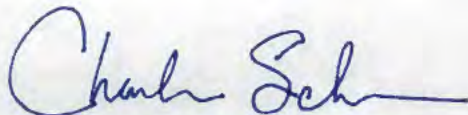
Lee Zeldin
Member of Congress



Richard Blumenthal
United States Senator



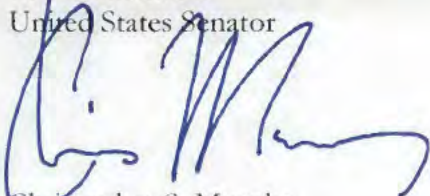
Rosa DeLauro
Member of Congress



Charles Schumer
United States Senator



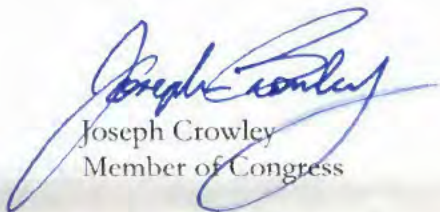
Thomas R. Suozzi
Member of Congress



Christopher S. Murphy
United States Senator



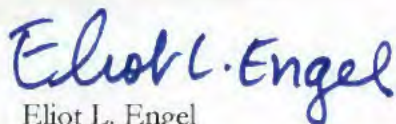
Joe Courtney
Member of Congress



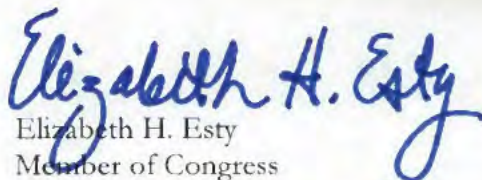
Joseph Crowley
Member of Congress



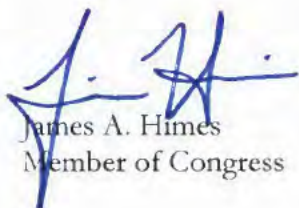
Daniel M. Donovan, Jr.
Member of Congress



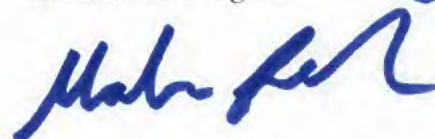
Eliot L. Engel
Member of Congress



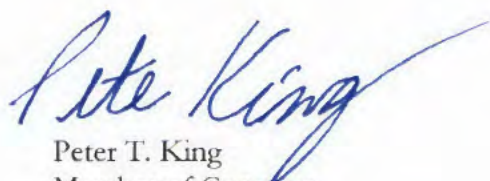
Elizabeth H. Esty
Member of Congress



James A. Himes
Member of Congress



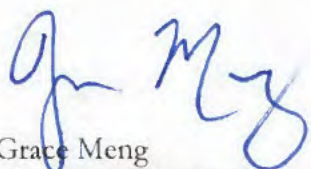
Hakeem S. Jeffries
Member of Congress



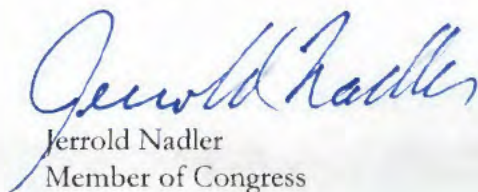
Peter T. King
Member of Congress



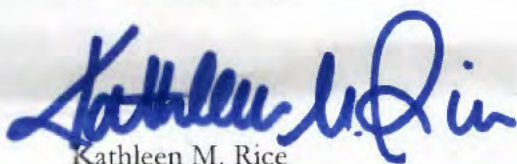
John B. Larson
Member of Congress



Grace Meng
Member of Congress



Jerrold Nadler
Member of Congress



Kathleen M. Rice
Member of Congress

United States Senate

WASHINGTON, DC 20510

April 3, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

The Clean Water Rule (80 FR 37053) clarified the scope of waters protected under the 1972 Clean Water Act, the primary federal law governing water pollution. The final rule was based not only on legal precedent, but decades of peer-reviewed science, agency expertise, and experience implementing the Clean Water Act nationwide.¹

Section 3 of Executive Order 13778 directs EPA and the Army Corps of Engineers to consider weakening the rules significantly, based on one opinion in *Rapanos v. United States*, 547 U.S. 715 (2006).² A majority of the Supreme Court rejected that opinion, and it does not reflect the body of precedent implementing the Clean Water Act. Therefore, we are concerned of the threat that Executive Order 13778 poses to critical wetlands and to streams, including streams that feed into the drinking water supplies of 117 million Americans.³

We respectfully request a response that addresses the following:

- In complying with Executive Order 13778, will you guarantee that drinking water quality will not be worse for the 117 million Americans who receive drinking water from public water systems that draw supply from seasonal, rain-dependent, or headwater streams?
- Under any potential revision of the rule, protections for critical streams may be lifted, erasing safeguards to prevent chronic contamination. Such a scenario could require the addition of expensive water purification technologies to ensure drinking water supplied by these waters would be safe. What would be the financial burden to municipalities supplying water? Has EPA analyzed how residential and commercial water might be impacted?
- Furthermore, chronic contamination of streams may require communities to explore alternative drinking water sources. Please provide specific case estimates of potential incurred costs for adopting alternative water sources for these communities. Please list communities that do not have reasonable alternative water sources.

¹ Federal Register, Clean Water Rule: Definition of “Waters of the United States.” EPA-HQ-OW-2011-0880; FRL 9927-20-OW.

² Federal Register, Executive Order 13778 of February 28, 2017, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.

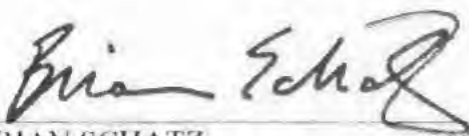
³ U.S. Environmental Protection Agency, Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral, and Headwater Streams in the U.S. <https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent>

- Can you guarantee that no American's health will be harmed by the reevaluation and reconsideration of the Clean Water Rule, compared to the protections that would be in place should the original rule be implemented as written? Please provide the scientific documentation that informs your response to this question.
- Does EPA have studies establishing that contaminating or destroying upstream water bodies will not impact the condition of downstream waters?
- Under the Clean Water Act, states must develop a list of impaired and threatened water bodies and every pollutant criteria that is exceeded. Total maximum daily loads (TMDLs) are then determined, representing the total amount of contaminants (chemical contaminants, fecal bacteria, heavy metals, etc.) the impaired/threatened waters can receive and still remain in compliance with existing water quality criteria. In reconsidering the Clean Water Rule, has EPA studied the expected effect on identified impaired waters in terms of water quality exceedances? Please provide any information the agency possesses about whether any waters are expected to be listed as impaired/threatened due to any repeal or weakening of the rule.

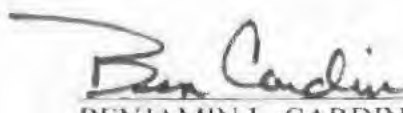
Subject to the Administrative Procedure Act, the Clean Water Rule was carefully evaluated over many years and nearly 90% of the more than 1 million public commenters supported the proposal.⁴ Moreover, we are concerned that revising or revoking this rule will only increase uncertainty amongst farmers, developers, and other stakeholders that want clarity about what water bodies the law protects from pollution.

We urge you to continue EPA's mission of making the protection of human and environmental health your highest priority, and we appreciate your prompt attention to this matter.

Sincerely,




BRIAN SCHATZ
U.S. Senator



BENJAMIN L. CARDIN
U.S. Senator



CHRIS VAN HOLLEN
U.S. Senator



SHELDON WHITEHOUSE
U.S. Senator

⁴ U.S. Environmental Protection Agency, Clean Water Rule Response to Comments – Mass Mailing Campaigns.
http://www.epa.gov/sites/production/files/201506/documents/cwr_response_to_comments_mass_mailing_campaigns.pdf



KIRSTEN GILLIBRAND
U.S. Senator



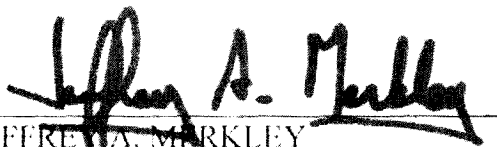
RICHARD BLUMENTHAL
U.S. Senator



JACK REED
U.S. Senator



MARGARET WOOD HASSAN
U.S. Senator



JEFFREY A. MARKLEY
U.S. Senator



EDWARD J. MARKEY
U.S. Senator



CORY A. BOOKER
U.S. Senator

United States Senate

WASHINGTON, DC 20510

April 7, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

On March 28, 2017, President Trump signed an Executive Order directing federal agencies to review federal regulations intended to address climate change, including the Clean Power Plan. The same day you signed a Federal Register notice describing the review process the Environmental Protection Agency (EPA) will undertake to consider whether to suspend, revise or rescind the Clean Power Plan. Rescinding the Clean Power Plan will put generations of Americans at grave health and economic risk. We seek further information concerning the process and schedule the EPA plans to use to carry out the Executive Order's (EO's) directives. We also want to know how the agency intends to meet its legal obligations to address carbon pollution emissions if the Clean Power Plan is rescinded.

The EPA has a clear legal obligation to address carbon pollution emissions. After reviewing thousands of peer-reviewed scientific studies, former EPA Administrator Lisa Jackson issued a final Endangerment Finding in December 2009. EPA determined that six greenhouse gas pollutants may reasonably be anticipated to endanger public health or welfare. The agency also found that carbon dioxide (CO₂) is the "primary greenhouse gas emitted through human activities" and accounts for about "80.8% of all U.S. greenhouse gas emissions from human activities."^[1] The largest sources of carbon dioxide – according to electric utility reporting – comes from our nation's fossil fuel power plants.^[2]

In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.^[3]

In August 2015, the EPA finalized the Clean Power Plan to reduce carbon pollution from power plants, after an unprecedented two-year outreach and engagement process with states and stakeholders, and after taking into consideration 4.3 million comments submitted during the formal notice and comment process. The Clean Power Plan, which reflects the concerns, input

^[1] <https://www.epa.gov/climatechange/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>

^[2] <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

^[3] <https://www.epa.gov/climatechange/us-court-appals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

and priorities of states, the electric power sector and the public, gives states and electric utilities the time and flexibility to meet reasonable carbon pollution emissions reduction targets, allowing five years until reductions need to begin. The Clean Power Plan provides both long-term certainty for our nation's power sector, and tools to enable the more than two dozen states that have policies either limiting power sector CO₂ emissions, or expanding renewable energy, to integrate those policies with a national program.

Rescinding the Clean Power Plan also means that Americans will never realize its numerous health and economic benefits. The EPA estimated the Clean Power Plan would cut emissions from power plants 32 percent below 2012 levels by 2030. In 2030, the pollution standards will deliver climate and health benefits of up to \$90 billion dollars and reduce household energy prices by \$85 per year.^[4]

Walking away from the Clean Power Plan, and other efforts to address climate change, will also increase risks to the federal budget and taxpayers. The costs of inaction on climate are so troubling that the Government Accountability Office (GAO) has listed climate change on the agency's High Risk List since 2013 because it is a "significant financial risk to the federal government."^[5]

Knowing the health and economic benefits of the Clean Power Plan, and the risks our nation faces by not reducing CO₂ emissions from power plants, please respond to the following:

1. Please provide a detailed description, including a schedule with milestones, of the review process that the EPA will follow respect to the Clean Power Plan.
2. In the event that the EPA review determined that a rulemaking to suspend, revise or rescind the Clean Power Plan is needed, please provide a detailed description of the process the agency would follow in such a case. Please include relevant timelines and milestones.
3. Please identify the actions the EPA will take to ensure inclusive, extensive, and productive outreach to, and engagement with, the power sector, states, stakeholders and the public as the agency implements the Executive Order.
4. During an exchange with Senator Gillibrand during your confirmation hearing before the Environment and Public Works Committee, you stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment finding, has obligations to address the CO₂ issue." If the EPA rescinds the Clean Power Plan, how does the agency intend on fulfilling its legal obligations to address carbon pollution emissions? Please explain in detail how an alternative to the Clean Power Plan would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.
5. On March 9, 2017, you made the following statement about carbon dioxide on CNBC:
"So no, I would not agree that it's a primary contributor to the global warming that we

^[5] http://www.gao.gov/highrisk/limiting_federal_government_fiscal_exposure/why_did_study


see." This comment directly contradicts: a) your testimony and answers provided in response to questions for the record during your confirmation process; b) the EPA's endangerment finding, which was upheld by the D.C Circuit Court of Appeals; and c) the views of 196 countries and 97 percent of climate scientists. Between the time of your confirmation hearing and your March 9 statement, did you obtain additional scientific information or analysis supporting your March 9 statement and contradicting your statements about CO2 during your confirmation process? If so, please provide us with that information and analysis.

6. What assurances can you provide us that your answer to Senator Gillibrand's question and similar statements you made at your confirmation hearing, as opposed to your statement on March 9, will guide the work of the EPA in carrying out the directives in the Executive Order?
7. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to any decision you take in EPA's review or under the Executive Order with respect to the Clean Power Plan.
8. The contention that the Clean Power Plan is a deathblow to coal industry jobs is highly questionable. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal. ^[6] Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

As we continue to hear from our constituents and local and state officials on this matter, we may have additional questions for you in the future. In the meantime, we would appreciate your thorough responses to these requests by no later than May 4, 2017. If you or your staff have questions about these requests, your staff may contact Laura Haynes Gillam of Senator Carper's staff at 202-224-8832.

We appreciate your prompt attention to our requests.

Sincerely,


Tom Carper
U.S. Senator



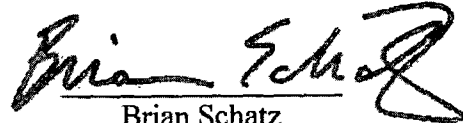
Al Franken
U.S. Senator



Margaret Wood Hassan
U.S. Senator



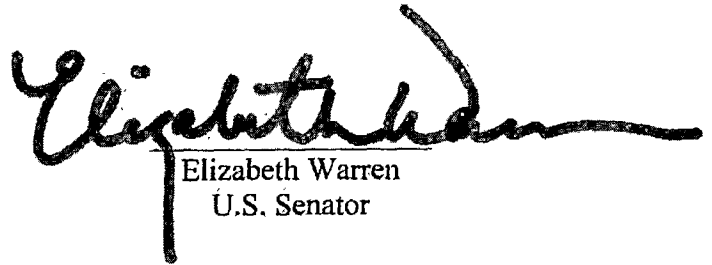
Richard Blumenthal
U.S. Senator



Brian Schatz
U.S. Senator



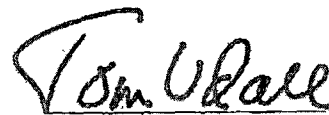
Sheldon Whitehouse
U.S. Senator



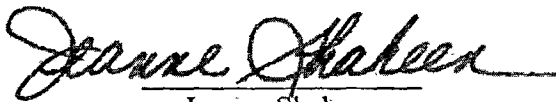
Elizabeth Warren
U.S. Senator



Patty Murray
U.S. Senator



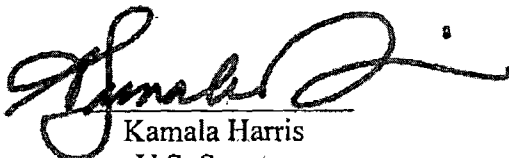
Tom Udall
U.S. Senator



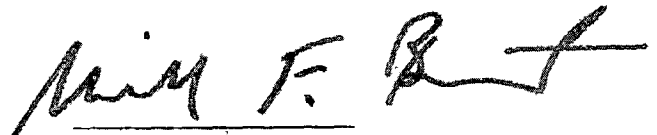
Jeanne Shaheen
U.S. Senator



Jeffrey Merkley
U.S. Senator



Kamala Harris
U.S. Senator



Michael Bennet
U.S. Senator

Edward J. Markey
Edward J. Markey
U.S. Senator

Chris Coons
Christopher Coons
U.S. Senator

Ron Wyden
Ron Wyden
U.S. Senator

Kirsten Gillibrand
Kirsten Gillibrand
U.S. Senator

Mazie Hirono
Mazie K. Hirono
U.S. Senator

Amy Klobuchar
Amy Klobuchar
U.S. Senator

Robert Menendez
Robert Menendez
U.S. Senator

Dianne Feinstein
Dianne Feinstein
U.S. Senator

Maria Cantwell
Maria Cantwell
U.S. Senator

Chris Van Hollen
Chris Van Hollen
U.S. Senator

United States Senate

WASHINGTON, DC 20510

April 7, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

Prior to your confirmation as Administrator, you committed to avoid actual or apparent conflicts of interest. We write to request information on the actions you have taken to address likely conflicts created by your role in representing the State of Oklahoma in litigation challenging the EPA's Clean Power Plan. On the same day that President Trump issued his March 28, 2017 Executive Order on Energy Independence you took two significant actions with respect the Clean Power Plan. You signed a Federal Register "Notice of Review of the Clean Power Plan." You also filed a Motion to Hold Cases in Abeyance in *State of West Virginia, et al. v. United States Environmental Protection Agency, et al.* (Circuit Court of Appeals for the District of Columbia, USCA Case #15-1363), the very case in which you represented the State of Oklahoma. Two days later, on March 30, you sent a letter to 47 governors propounding a legal interpretation of the effect of the Supreme Court's stay of the Clean Power Plan, a stay which you yourself sought in your capacity as Attorney General of Oklahoma. We believe you are required to have secured authorization from the Environmental Protection Agency's Designated Agency Ethics Officer (DAEO) to participate in these matters. We seek your written confirmation that such authorization has been granted, or that you will recuse yourself from these matters going forward.

In your January 3, 2017, Ethics Agreement,^[1] you stated that for a one-year period, you "will seek authorization to participate personally and substantially in particular matters involving specific parties in which I know the State of Oklahoma is a party or represents a party." This commitment was reiterated in a January 16, 2017 response to a January 12 letter sent by nine Members of the Environment and Public Works Committee from Kevin Minoli, EPA's Designated Agency Ethics Official (DAEO) and Principal Deputy General Counsel, which also stated:

"Pursuant to the impartiality rules, any court case is considered a specific party matter. Thus, if the State of Oklahoma is a party or represents a party in a particular piece of litigation, Mr. Pruitt's ethics agreement includes a commitment to seek authorization to participate personally and substantially in that litigation. Should Mr. Pruitt seek authorization to participate in any litigation in which a person with whom he has a covered relationship is a party or represents a party, as stated above, the EPA Designated

^[1][https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/C3B4C444EB20D1FD852580C1002C7A75/\\$FILE/Pruitt,%20Edward%20Scott%20%20%20finalAMENDEDEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/C3B4C444EB20D1FD852580C1002C7A75/$FILE/Pruitt,%20Edward%20Scott%20%20%20finalAMENDEDEA.pdf)

Agency Ethics Official would consider the factors set forth in 5 C.F.R. section 2635.502(d)(1)-(6) for purposes of compliance with the federal ethics rules.”

Additionally, in response to questions for the record submitted to the Committee on Environment and Public Works you stated:

“As EPA Administrator I will recuse [sic] from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials.”

Beginning in August 2014, you filed actions in both the U.S. Circuit Court of Appeals for the District of Columbia (*West Virginia v. EPA*) and the Northern District of Oklahoma challenging the Clean Power Plan on behalf of the State of Oklahoma.

In the March 28 Notice you state that “EPA is initiating ... review of the CPP”, and that “EPA’s review will be followed by a rulemaking process” if the review determines that a rulemaking is appropriate. In part on the basis of that Notice, the EPA moved the D.C. Circuit Court of Appeals on March 28 to hold cases consolidated under *West Virginia v. EPA* in abeyance.

We all continue to believe^[2] that you should have committed to recuse yourself extensively from a number of matters during your confirmation process. Nevertheless, your anticipation of, and preparation for, signing of the Federal Register Notice and filing of the Motion in the DC Circuit should have triggered the more limited recusal policy to which you have already and repeatedly agreed.

In light of: 1) your Ethics Agreement; 2) the response of EPA’s DAEO to the January 12 letter; 3) your representations to the Environment and Public Works Committee during your confirmation process; 4) your role representing the State of Oklahoma in litigation challenging the Clean Power Plan; and 5) the March 28 Notice and the March 28 Motion, please respond to the following requests in writing and provide copies of all documentation supporting your responses:

1. Other than the actions you took on March 28, have you recused yourself from the actions concerning the Clean Power Plan specified in the March 28 Notice, and, if so, to what extent have you done so?
2. If not, why not? If you have recused yourself from these matters, please provide the name(s) and identify the position(s) of the individual(s) you have directed to act in your stead.
3. Have you sought authorization to participate in those actions from the DAEO – and if you have done so, when did you do so? Please provide a copy of any written material submitted to the DAEO in making, or following up on, that request.
4. Has the DAEO granted such authorization, and if so, has the authorization included any restrictions or limitations on your participation? Please provide a copy of any written material conveying the DAEO’s response.


^[2] <http://www.markey.senate.gov/imo/media/doc/Pruitt%20recusal%20letter%2002.16.17.pdf>

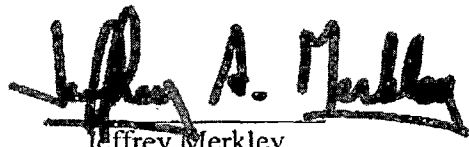
5. If you have neither been recused from participation in this matter nor sought authorization from the DAEO to participate in the actions specified in the March 28 Notice with respect to the Clean Power Plan, please explain why you have not.
6. Have you requested or received a waiver to participate personally and substantially in any other particular matters involving specific parties in which the State of Oklahoma is a party or represents a party? If so, please provide copies of all such requests and all such grants from the DAEO.

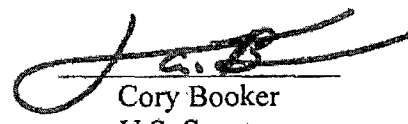
Please provide your responses to these inquiries and requests by no later than April 21, 2017. If you have any questions about these requests, please feel free to contact Michal Freedhoff or Joseph Goffman at the Committee on Environment and Public Works at 202-224-8832. We very much appreciate your prompt attention to this matter.

Sincerely,

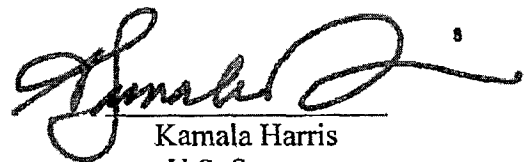

Tom Carper
Ranking Member



Sheldon Whitehouse
U.S. Senator


Jeffrey Merkley
U.S. Senator



Cory Booker
U.S. Senator

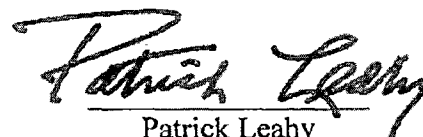

Edward J. Markey
U.S. Senator


Kamala Harris
U.S. Senator


Maria Cantwell
U.S. Senator


Richard Durbin
U.S. Senator


Richard Blumenthal
U.S. Senator


Patrick Leahy
U.S. Senator

Congress of the United States
Washington, DC 20515

August 29, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to bring your attention to—and express our strong continued support for—the Environmental Protection Agency’s final rule for the Eastern Long Island Sound Dredged Material Disposal Site (ELDS). Since the first request for a regional Dredged Material Management Plan (DMMP) over a decade ago, our region has worked towards building a comprehensive management framework with the Army Corps of Engineers and the EPA to meet long-term dredging needs.

In December 2016, the EPA published a final rule designating the ELDS, which consolidated two other dredging sites while meeting the dredging disposal needs of eastern Long Island Sound for the next 30 years. We have long agreed with the goal of the EPA throughout the DMMP process to balance environmental stewardship with standard economic activity in Long Island Sound. Our states have been responsibly dredging using open-water placement for 35 years, and we believe maintaining the EPA designation of the ELDS, along with an increased effort among the states to find sustainable on-land solutions for dredged materials, will continue to provide the Long Island Sound region with a balanced approach for future waterway projects.

While the ELDS and other open-water disposal sites in the region are exceedingly important to maintaining the dredging needs of Long Island Sound, it is also imperative that our region continue to commit to alternative placement options for dredged material whenever appropriate. To that end, we were encouraged that the final rule continues the effort of the DMMP to identify and evaluate environmentally sound, on-land disposal options for certain dredging projects. In fact, in our region, dredged materials have not only been used for shoreline replenishment, but also for capping landfills and brownfields sites.

Alternatively, lack of an ELDS would have significant impacts in the eastern Long Island Sound. For example, the absence of a nearby placement site would result in an increase in carbon emissions from ships and greater risk of dredged material spills, as dredged materials would have to be transported to other sites like the Rhode Island Disposal Site. Further, in-depth analysis of the dredging needs of the greater Long Island Sound region shows that a vast majority come from the eastern end of the Sound – meaning that a lack of a close-by placement option with sufficient capacity could drive up costs or cancel projects altogether. The final approval of the ELDS in December was pivotal in moving forward with regional dredging projects, especially since the use of the Rhode Island Sound Disposal Site’s limited capacity for LIS dredging would have cascading effects on projects throughout Southern New England.


In addition to the critical goal of protecting Long Island Sound and its resources, access to the ELDS is absolutely vital to the economy of our states and districts – and that of the entire Long


Island Sound region. According to the aforementioned DMMP, economic activities that utilize Long Island Sound waterways contribute to more than \$9 billion annually in economic output. Additionally these economic activities support more than 55,000 jobs in the Long Island Sound region. As important, our region is host to a range of federal and military facilities dependent on the viability of accessible and cost-effective placement options. These include facilities like Naval Submarine Base New London and premier submarine builder Electric Boat, with facilities in both Connecticut and Rhode Island.

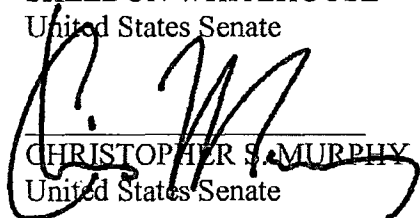
The final approval of the ELDS by the EPA filled a critical need in supporting navigation-dependent industries that border and traverse eastern Long Island Sound. The economic vitality of the Long Island Sound is closely connected to the shipping, recreational fishing and boating, ferry transportation and military operations that occur in these waters – all of which would be deeply harmed without access to the ELDS. We must continue to embrace our maritime heritage and protect this balanced, sustainable final rule designating the ELDS to maintain our dredging needs.


We believe that the ELDS designation accomplishes this important goal, and we urge your continued support for this balanced approach to managing the Long Island Sound.


Sincerely,

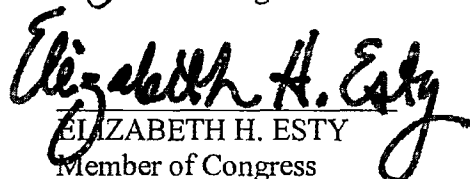

JOE COURTNEY
Member of Congress

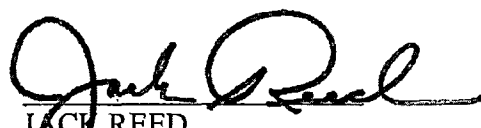

SHELDON WHITEHOUSE
United States Senate


CHRISTOPHER S. MURPHY
United States Senate



JOHN B. LARSON
Member of Congress



JAMES A. HIMES
Member of Congress

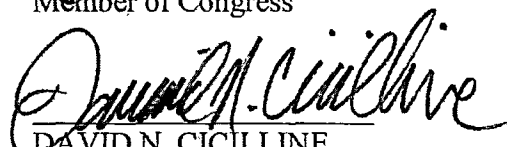

ELIZABETH H. ESTY
Member of Congress


JACK REED
United States Senate


RICHARD BLUMENTHAL
United States Senate


ROSA L. DELAURO
Member of Congress


JAMES R. LANGEVIN
Member of Congress


DAVID N. CICILLINE
Member of Congress

RICHARD BLUMENTHAL
CONNECTICUT

COMMITTEES

AGING

ARMED SERVICES

COMMERCE, SCIENCE, AND TRANSPORTATION

JUDICIARY

VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

700 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

(202) 224-2823

FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR

HARTFORD, CT 06103

(860) 258-6940

FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, SUITE 304

BRIDGEPORT, CT 06604

(203) 330-0598

FAX: (203) 330-0608

<http://blumenthal.senate.gov>

August 24, 2017

The Honorable Scott Pruitt
Administrator,
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt,

In recent weeks, my office has been approached by many constituents with grave concerns about the risks to human health and the environment associated with the management of Coal Combustion Residuals (CCR) in Puerto Rico, more specifically the management of "Agremax" generated by the Applied Energy Services Corporation (AES). I urge the EPA to investigate the impacts of the potential mismanagement of depositing "Agremax" in Puerto Rican landfills and take appropriate action to protect the health of the people on the island from potentially deadly toxic exposure.

As you may know, AES, an electrical energy production company with a coal-burning power plant in Guayama, Puerto Rico, has been depositing CCR, including "Agremax," into local landfills, such as in the Peñuelas Valley Landfill, over the past several years. AES produces an aggregate of coal ash, which is a byproduct created when ground coal is burned to fuel electrical power plants, known as "Agremax" used as landfill cover and construction fill, which the company has deemed non-toxic. However, in 2012, the EPA tested the leaching behavior of "Agremax", taken directly from AES' power plant in Guyama, Puerto Rico. The EPA's results found many circumstances in which chemicals, including arsenic, can leach at unsafe levels that surpass minimum U.S. national drinking water requirements.

The Environmental Protection Agency (EPA) has found that CCR contains a number of toxic chemicals including arsenic, chromium, and selenium, which have been linked to serious health effects such as higher rates of asthma, birth defects, and even cancer. Improper management of substances such as "Agremax" can result in leaching from a disposal site, posing a threat to human health and the environment. Given the risk of toxic exposure to these chemicals, I have serious concerns about the use of "Agremax" as landfill cover and its continued use as construction infill.

On July 4, 2017, the Governor of Puerto Rico, Ricardo Rossello, signed a bill banning fly ash or pulverized fuel ash from being deposited in landfills across the territory. However, under the new law, substances such as bottom ash, boiler slags, and flue gas desulfurization material

are still allowed to be disposed of in landfills, raising concerns about the extent to which this will actually address the current issue and keep the local community safe.

I have heard from many residents of Connecticut who are worried about the health of their friends and family in Puerto Rico, and I echo their concerns. Therefore, I urge EPA to review action being taken to address this issue by the Puerto Rican government, including any efforts to adopt and enforce federal standards, to ensure that any existing incidents of unacceptable risk of harm to human health and the environment are addressed immediately. *Specifically, what is being done to monitor leachates and potential contaminants around landfill and construction sites, and who is responsible for conducting and paying for such monitoring?*

Additionally, I encourage EPA to determine if AES' uses of CCR, including "Agremax," meet federal requirements, and take appropriate enforcement action against any violations of federal law to protect communities that have been disproportionately exposed to toxic chemicals in CCR. I also request that you send to my office any and all documents concerning this issue and exchanged between but not limited to AES, Puerto Rican officials, EPA political and transition staff, as well as staff at the Office of Land and Emergency Management and Office of Enforcement and Compliance Assurance.

Thank you for your attention to this important issue. I respectfully request a response by September 24, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Blumenthal".

Richard Blumenthal
United States Senate

Congress of the United States
Washington, DC 20515

August 29, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RECEIVED

SEP - 5 2017

OFFICE OF THE REGIONAL ADMINISTRATOR

Dear Administrator Pruitt:

We write to bring your attention to—and express our strong continued support for—the Environmental Protection Agency's final rule for the Eastern Long Island Sound Dredged Material Disposal Site (ELDS). Since the first request for a regional Dredged Material Management Plan (DMMP) over a decade ago, our region has worked towards building a comprehensive management framework with the Army Corps of Engineers and the EPA to meet long-term dredging needs.

In December 2016, the EPA published a final rule designating the ELDS, which consolidated two other dredging sites while meeting the dredging disposal needs of eastern Long Island Sound for the next 30 years. We have long agreed with the goal of the EPA throughout the DMMP process to balance environmental stewardship with standard economic activity in Long Island Sound. Our states have been responsibly dredging using open-water placement for 35 years, and we believe maintaining the EPA designation of the ELDS, along with an increased effort among the states to find sustainable on-land solutions for dredged materials, will continue to provide the Long Island Sound region with a balanced approach for future waterway projects.

While the ELDS and other open-water disposal sites in the region are exceedingly important to maintaining the dredging needs of Long Island Sound, it is also imperative that our region continue to commit to alternative placement options for dredged material whenever appropriate. To that end, we were encouraged that the final rule continues the effort of the DMMP to identify and evaluate environmentally sound, on-land disposal options for certain dredging projects. In fact, in our region, dredged materials have not only been used for shoreline replenishment, but also for capping landfills and brownfields sites.

Alternatively, lack of an ELDS would have significant impacts in the eastern Long Island Sound. For example, the absence of a nearby placement site would result in an increase in carbon emissions from ships and greater risk of dredged material spills, as dredged materials would have to be transported to other sites like the Rhode Island Disposal Site. Further, in-depth analysis of the dredging needs of the greater Long Island Sound region shows that a vast majority come from the eastern end of the Sound – meaning that a lack of a close-by placement option with sufficient capacity could drive up costs or cancel projects altogether. The final approval of the ELDS in December was pivotal in moving forward with regional dredging projects, especially since the use of the Rhode Island Sound Disposal Site's limited capacity for LIS dredging would have cascading effects on projects throughout Southern New England.

In addition to the critical goal of protecting Long Island Sound and its resources, access to the ELDS is absolutely vital to the economy of our states and districts – and that of the entire Long


Island Sound region. According to the aforementioned DMMP, economic activities that utilize Long Island Sound waterways contribute to more than \$9 billion annually in economic output. Additionally these economic activities support more than 55,000 jobs in the Long Island Sound region. As important, our region is host to a range of federal and military facilities dependent on the viability of accessible and cost-effective placement options. These include facilities like Naval Submarine Base New London and premier submarine builder Electric Boat, with facilities in both Connecticut and Rhode Island.

The final approval of the ELDS by the EPA filled a critical need in supporting navigation-dependent industries that border and traverse eastern Long Island Sound. The economic vitality of the Long Island Sound is closely connected to the shipping, recreational fishing and boating, ferry transportation and military operations that occur in these waters – all of which would be deeply harmed without access to the ELDS. We must continue to embrace our maritime heritage and protect this balanced, sustainable final rule designating the ELDS to maintain our dredging needs.

We believe that the ELDS designation accomplishes this important goal, and we urge your continued support for this balanced approach to managing the Long Island Sound.

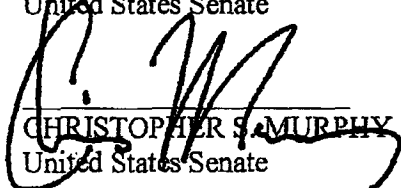
Sincerely,



JOE COURTNEY
Member of Congress



JACK REED
United States Senate



SHELDON WHITEHOUSE
United States Senate



RICHARD BLUMENTHAL
United States Senate

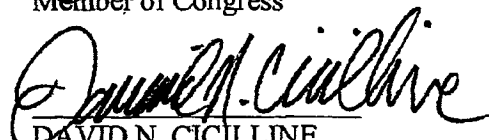

CHRISTOPHER S. MURPHY
United States Senate

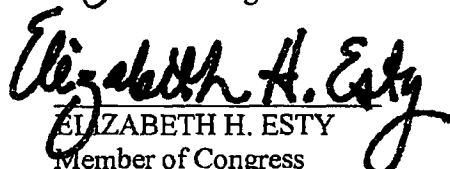

ROSA L. DELAURO
Member of Congress


JOHN B. LARSON
Member of Congress


JAMES R. LANGEVIN
Member of Congress


JAMES A. HIMES
Member of Congress


DAVID N. CICILLINE
Member of Congress


ELIZABETH H. ESTY
Member of Congress

United States Senate

WASHINGTON, DC 20510

September 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary of the Army
Office of the Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write in strong opposition to your proposed rule to weaken safeguards for the Nation's waterways. The proposed rule to repeal the 2015 Clean Water Rule upends the many years the EPA and US Army Corps of Engineers have taken to draft a rule that gave our constituents—and the cities, counties, states and businesses in which they live and work—the certainty that they need. As members of the United States Senate, we have a strong institutional interest in protecting Congress' original intent to protect important water bodies throughout the United States when it passed the Clean Water Act.

As we celebrate 45 years of the Clean Water Act this year, we recognize the enormous progress the nation has made in improving water quality, but realize that achieving the law's core objective—"to restore and maintain the chemical, physical, and biological integrity of the Nation's waters"—will take continued vigilance. That is why we reject your efforts to make it harder for our country's vital water bodies to meet that objective.

The 2015 Clean Water Rule was created to clear up longstanding confusion over which water bodies are protected by the Clean Water Act. The agencies took a pragmatic approach to more clearly define which water bodies get guaranteed coverage under the Clean Water Act and which ones are exempt through using the most up-to-date science and grounding the rule's safeguards on widely-accepted legal standards.

The water bodies at the center of the Clean Water Rule serve critical functions, from providing drinking water to filtering out pollution and replenishing groundwater. The 2015 rule recognizes the necessity of protecting our Nation's small streams, wetlands, and other critical waters,

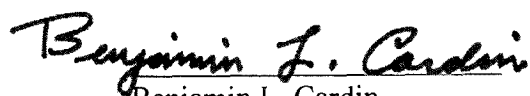
including streams that feed into the drinking water sources of 117 million Americans. Protecting these waters also directly benefits iconic bodies of water like Puget Sound, the Mississippi River, the Great Lakes, and the Chesapeake Bay. These waters support our communities, hunters and anglers, and water-dependent businesses like breweries and outdoor recreation. Because of these impacts, the agencies found that the public benefits of the rule would be as high as \$572 million per year and would significantly outweigh the rule's compliance costs.

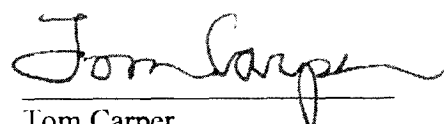
The agencies took years to develop the Clean Water Rule, notably including a scientific review that relied on over 1,200 peer-reviewed publications. The science confirms the significant relationship that tributaries, wetlands, and other waters have with the larger bodies of water into which they feed. The agencies also conducted a significant stakeholder engagement process that resulted in over 400 meetings and more than one million comments, approximately 87 percent of which supported the rule.

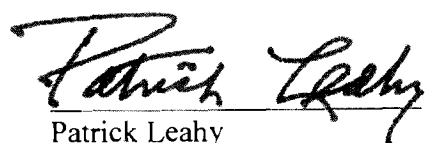
After years of uncertainty—created in large part by the conflicting *Riverside*, *SWANCC*, and *Rapanos* Supreme Court decisions—our constituents finally had a definition driven by science and not by the courts. In fact, as you note, President Trump, in his Executive Order on February 28, 2017, wrote, “[i]t is in the national interest to ensure that the Nation’s navigable waters are kept free of pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard to the roles of the Congress and the States under the Constitution.” For an administration to change the definition of what constitutes a water of the United States almost immediately upon entering office creates more, not less, regulatory uncertainty. We need stability and certainty for our constituents to be safe and our economy to grow.

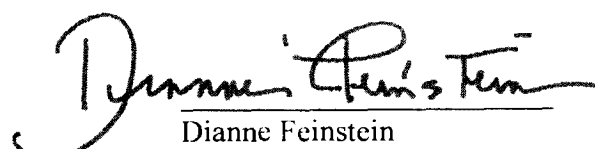
Now more than ever, it is clear that too many communities have to worry about access to clean, safe water. Vigorously implementing the Clean Water Act helps protect clean drinking water for everyone. We therefore urge your agencies to immediately withdraw the misguided proposal to repeal the 2015 Clean Water Rule.

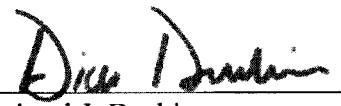
Respectfully submitted,



Benjamin L. Cardin
United States Senator

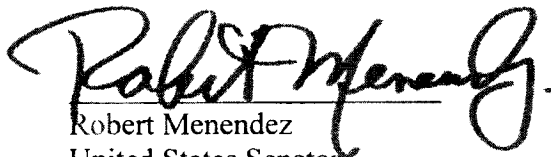

Tom Carper
United States Senator



Patrick Leahy
United States Senator

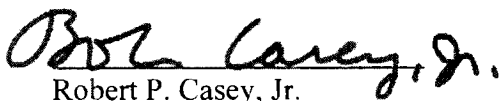

Dianne Feinstein
United States Senator



Richard J. Durbin
United States Senator



Jack Reed
United States Senator

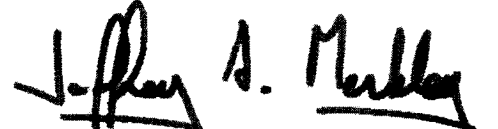

Robert Menendez
United States Senator


Bernard Sanders
United States Senator



Robert P. Casey, Jr.
United States Senator

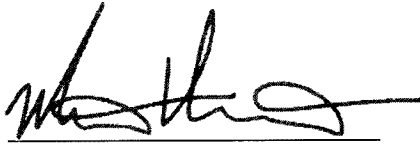

Sheldon Whitehouse
United States Senator

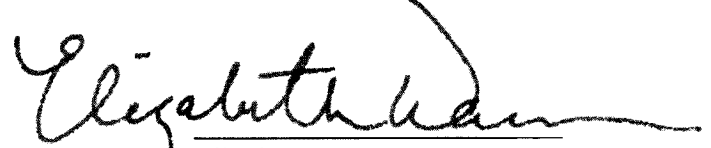

Jeanne Shaheen
United States Senator

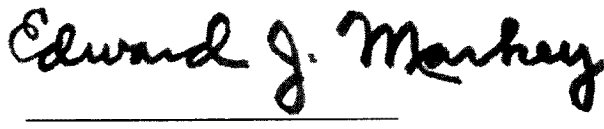

Jeffrey A. Merkley
United States Senator

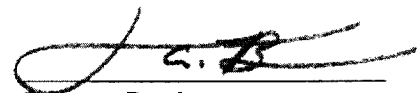

Kirsten Gillibrand
United States Senator

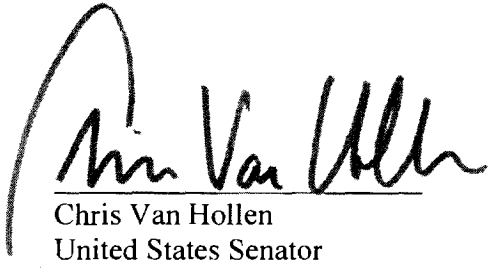

Richard Blumenthal
United States Senator


Martin Heinrich
United States Senator

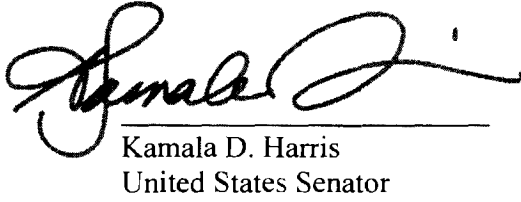

Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator

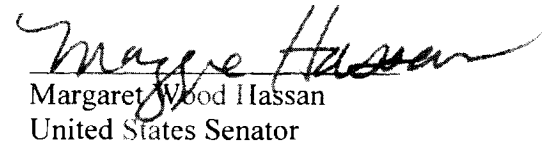

Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



Kamala D. Harris
United States Senator



Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

October 5, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We urge you to ensure that the EPA's final rule setting blending targets under the Renewable Fuel Standard (RFS) for 2018 promotes growth in the U.S. biofuel sector and in our economy.

When Congress adopted the RFS in 2005, its goal was to put in place a stable, forward-looking policy to drive innovation and investments that would bring biofuels to American consumers. The biofuel industry supports hundreds of thousands of jobs throughout the country, reduces the environmental impact of our transportation and energy sectors, and cuts our reliance on foreign oil. The stability of our policy has led to billions of dollars of investment in the biofuel sector. America's production capacity has expanded more than threefold since 2005 with fuels such as biodiesel, cellulosic ethanol, recycled-waste, algal, and other advanced biofuels.

We need to build on this progress. The 2017 final RFS rule set Renewable Volume Obligations (RVO) at the levels Congress intended. The 2018 proposed rule, while positive for maintaining the maximum blending target for conventional biofuel at 15 billion gallons, would represent a step back when it comes to advanced biofuels, resulting in less renewable fuels being blended than in 2017. The rule unjustifiably flatlines biomass-based diesel, reduces advanced biofuels, and reduces the cellulosic biofuel blending target by about 25 percent. The agency arrives at these lower targets by utilizing a new methodology more reliant on historical data than projected volumes. The RFS must by law be administered in a forward-looking manner. The final rule should address these shortfalls.

In addition, the Notice of Data Availability the agency published on September 26 would lower the blending targets by the number of gallons of biofuels imported yet still permit these imported gallons to generate compliance credits. There are also reports that the agency is considering allowing exported gallons of biofuel to generate compliance credits. Taken together, these actions would reduce renewable fuel blending in the U.S. and create uncertainty for producers.

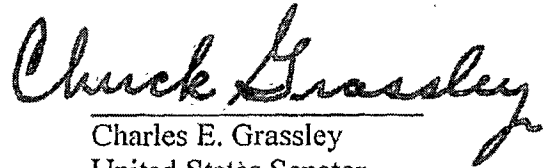
If done right, this rule is an opportunity to continue our nation's path to be not only the world leader in first generation ethanol production, but also in cellulosic ethanol and advanced biofuel production by spurring investment and manufacturing here in the United States rather than overseas.

We urge you to continue to implement the RFS as intended by Congress and release a strong final rule that would give consumers more choices at the pump, strengthen our economy and make our country more secure.

Sincerely,



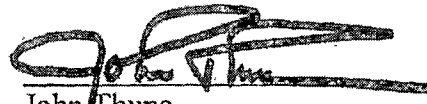
Amy Klobuchar
United States Senator



Charles E. Grassley
United States Senator



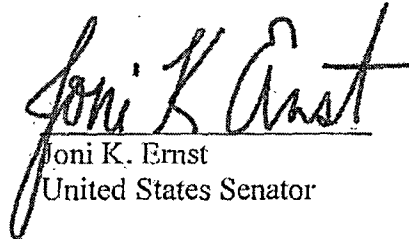
Richard J. Durbin
United States Senator



John Thune
United States Senator



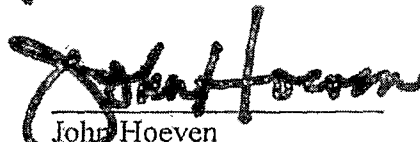
Al Franken
United States Senator



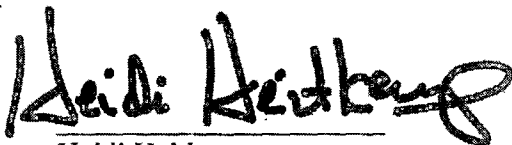
Joni K. Ernst
United States Senator



Sheldon Whitehouse
United States Senator



John Hoeven
United States Senator



Heidi Heitkamp
United States Senator



Deb Fischer
United States Senator



Debbie Stabenow
United States Senator



Roy Blunt
United States Senator



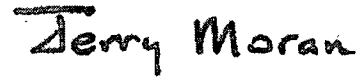
Claire McCaskill
United States Senator



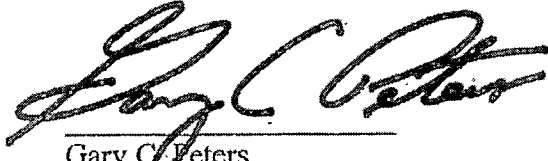
Pat Roberts
United States Senator



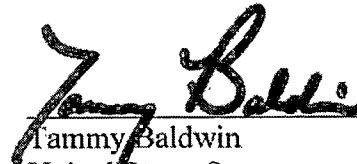
Mazie Hirono
United States Senator



Jerry Moran
United States Senator



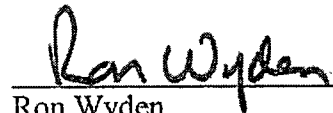
Gary C. Peters
United States Senator



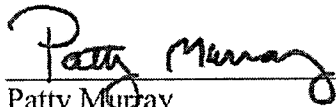
Tammy Baldwin
United States Senator



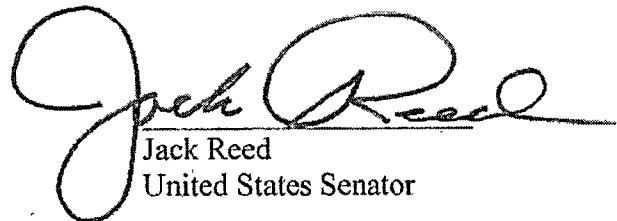
Tammy Duckworth
United States Senator



Ron Wyden
United States Senator



Patty Murray
United States Senator



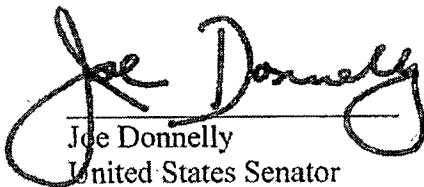
Jack Reed
United States Senator



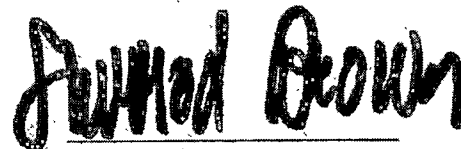
Maggie Hassan
United States Senator



Jeanne Shaheen
United States Senator



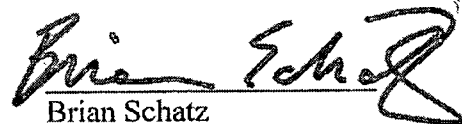
Joe Donnelly
United States Senator



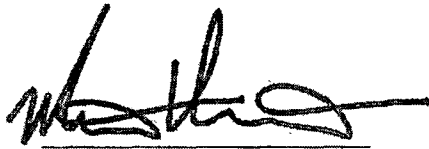
Sherrod Brown
United States Senator



Maria Cantwell
United States Senator



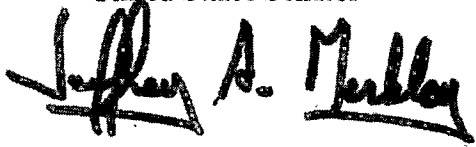
Brian Schatz
United States Senator



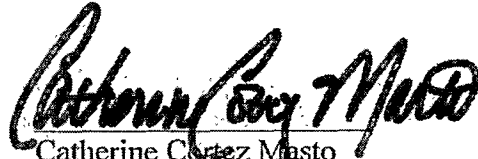
Martin Heinrich
United States Senator



Bill Nelson
United States Senator



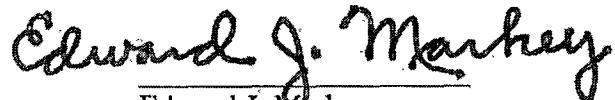
Jeffrey A. Merkley
United States Senator



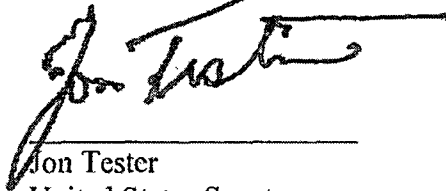
Catherine Cortez Masto
United States Senator



Richard Blumenthal
United States Senator



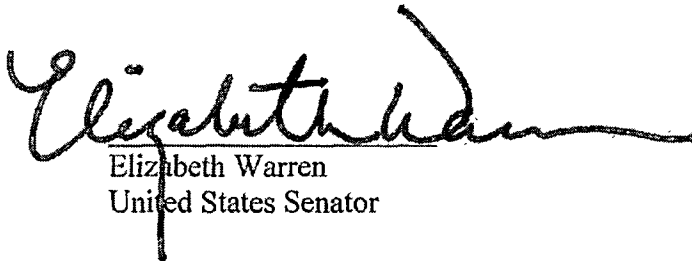
Edward J. Markey
United States Senator



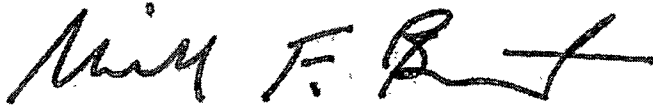
Jon Tester
United States Senator



Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Michael Bennet
United States Senator

United States Senate

WASHINGTON, DC 20510

October 16, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We write in response to the Environmental Protection Agency's (EPA) proposed Renewable Volume Obligations (RVOs) for advanced biofuel for calendar year 2018 and biomass-based diesel for calendar year 2019, as well as the recent Notice of Data Availability (NODA). The NODA requests comments on reducing previously finalized RVOs, threatening business plans and investments already made based upon a final rule issued in December 2016. These proposed volumes do not meet actual biodiesel production capacity in the United States, and could have a negative impact on jobs and economies in rural communities across the nation. Therefore, we urge you to increase these volumes in the final rule.

Biodiesel is the first EPA-designated advanced biofuel under the Renewable Fuel Standard (RFS) to reach commercial scale production nationwide. The biodiesel industry has met RFS criteria for growth each year, exceeding the goals that Congress envisioned when it created the RFS with bipartisan support. In addition, biodiesel has consistently made up the majority of the advanced biofuel volumes. This ability to meet or exceed RVOs coupled with the substantial investment made by the biodiesel industry indicate that these fuels offer the best opportunity for continued growth in the near future.

EPA's proposal would hold the biomass-based diesel volume for 2019 stagnant at 2.1 billion gallons and decrease the advanced biofuel volume for 2018 to 4.24 billion gallons. These proposed volumes do not reflect the existing potential for the biodiesel and renewable diesel industries in our states and could cause near-term job losses and discourage investment in capacity and new fuel development. It is estimated that every 500 million gallons of increased biodiesel production supports roughly 16,000 jobs.

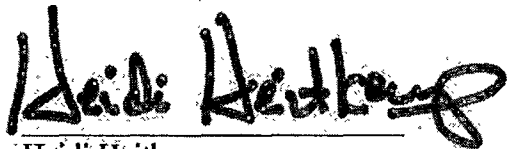
Further, EPA's NODA solicits comments on whether it could further reduce the total, advanced, and biomass-based diesel volumes through several different waiver mechanisms. However, there is ample available feedstock, refining capacity, and room for growth in the domestic biodiesel industry. The industry is poised for growth, in accordance with the intent of the law, if EPA sends the market signals with increased volumes. Reducing volumes and especially those RVOs that were previously finalized is disruptive, unprecedented, and very troubling.

We have made great progress through the RFS in diversifying our nation's fuel supply while creating and sustaining jobs, strengthening local economies, generating tax revenues, and

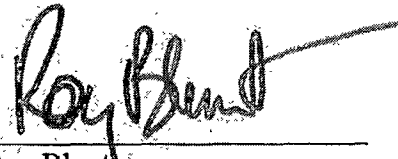
improving energy security. We urge you to support higher RVOs for biomass-based diesel and advanced biofuels in the final rule to encourage additional development and use of this fuel.

Thank you for your consideration.

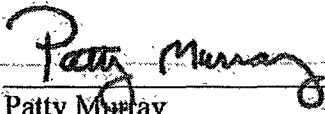
Sincerely,



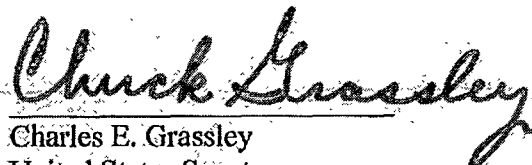
Heidi Heitkamp
United States Senator



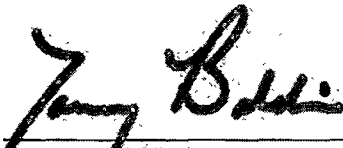
Roy Blunt
United States Senator



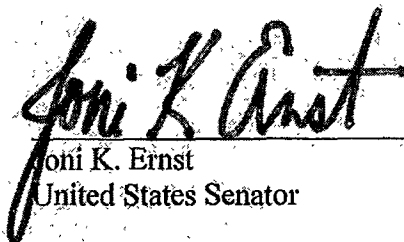
Patty Murray
United States Senator



Charles E. Grassley
United States Senator



Tammy Baldwin
United States Senator



Joni K. Ernst
United States Senator



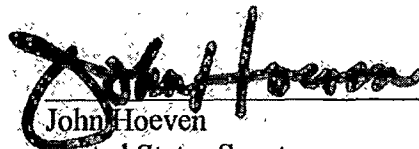
Richard Blumenthal
United States Senator



Deb Fischer
United States Senator



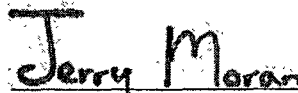
Sherrod Brown
United States Senator



John Hoeven
United States Senator



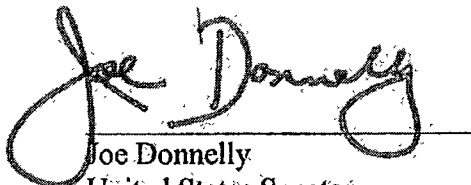
Maria Cantwell
United States Senator

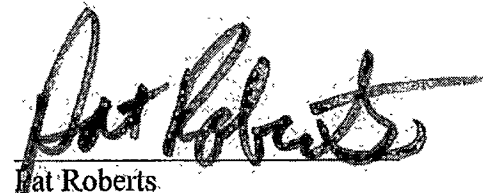



Jerry Moran
United States Senator





Susan M. Collins
United States Senator

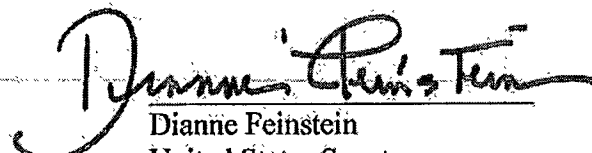

Joe Donnelly
United States Senator



Pat Roberts
United States Senator

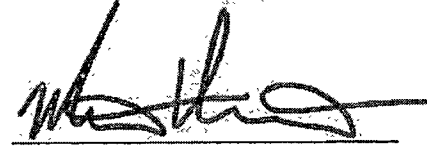

Tammy Duckworth
United States Senator


John Thune
United States Senator

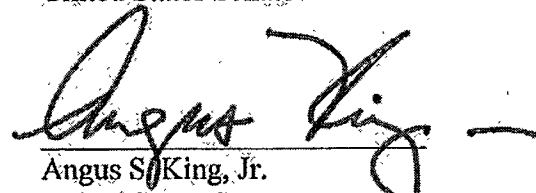

Richard J. Durbin
United States Senator

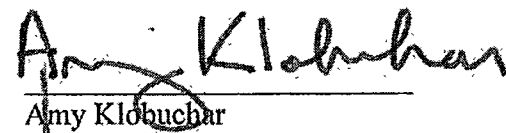

Dianne Feinstein
United States Senator



Al Franken
United States Senator

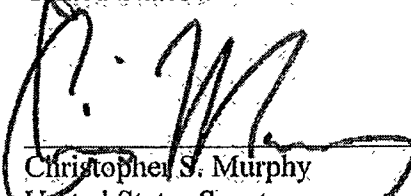

Martin Heinrich
United States Senator

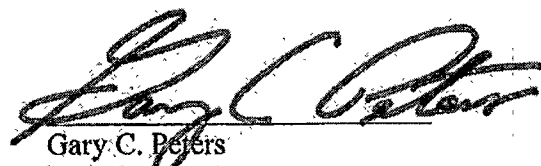

Mazie Hirono
United States Senator



Angus S. King, Jr.
United States Senator



Amy Klobuchar
United States Senator



Claire McCaskill
United States Senator



Christopher S. Murphy
United States Senator


Gary C. Peters
United States Senator

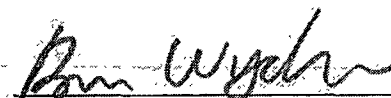

Jack Reed
United States Senator


Bernard Sanders
United States Senator


Jeanne Shaheen
United States Senator


Debbie Stabenow
United States Senator


Sheldon Whitehouse
United States Senator


Ron Wyden
United States Senator

United States Senate

WASHINGTON, DC 20510

October 19, 2017

Acting Administrator Deborah Szaro
EPA New England Headquarters
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Dear Acting Administrator Szaro,

We write today regarding the addendum to the fourth Five-Year Review report for the Coakley Landfill Superfund Site issued by the Environmental Protection Agency (EPA). We have heard from our constituents who are concerned about the timing and manner in which this addendum was presented to the public. As we continue our efforts to ensure that Granite Staters have access to safe, clean drinking water and to address public health concerns caused by emerging contaminants such as perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), we urge you to appropriately engage with our offices and the people of New Hampshire.

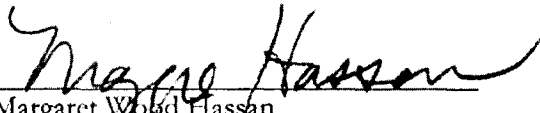
The New Hampshire Governor's Task Force on The Seacoast Cancer Cluster Investigation was established more than a year ago to investigate and respond to public health and environmental concerns regarding the cancer cluster and contamination in the region. As a member of this task force, EPA has been an important partner and provided significant information that has shaped the policy recommendations from this organization.

During the final meeting of the task force on October 4, 2017, the EPA presented the addendum to the fourth Five-Year Review report for the Coakley Landfill Superfund Site. We are concerned that presenting critical information in such a manner has led to confusion among the task force and the general public. While the addendum was issued on September 28, 2017, we understand that EPA's determination that "there is not a current unacceptable human health risk at the Site" was not conveyed to members of the task force prior to the final meeting. By doing so, EPA did not allow members sufficient opportunity to evaluate the information included in the addendum before the task force concluded its work.

The people of the Seacoast remain understandably disturbed about potential health and environmental risks associated with these emerging contaminants, and there is still much work for stakeholders at all levels of government to do together to address those concerns. We appreciate EPA's ongoing efforts to make progress on this serious issue, including the agency's request that the Coakley Landfill Group (CLG) post signs to alert the public in areas around Coakley Landfill that contaminants have been detected in the surface waters and directing CLG to conduct fish-tissue sampling. As the New Hampshire Legislature's Commission on the Seacoast Cancer Cluster Investigation begins its work to build on the task force's efforts, we hope the EPA will continue to engage in this important process and to present information in a timely and transparent manner.

We thank you for your ongoing efforts to combat water contamination in New Hampshire and look forward to continuing to work together to address the public health and environmental concerns of our constituents.

Sincerely,

A handwritten signature in black ink, reading "Margaret Wood Hassan". The signature is fluid and cursive, with the first name "Margaret" being more prominent.

Margaret Wood Hassan
United States Senator

A handwritten signature in black ink, reading "Jeanne Shaheen". The signature is fluid and cursive, with the first name "Jeanne" being more prominent.

Jeanne Shaheen
United States Senator

RICHARD BLUMENTHAL
CONNECTICUT

COMMITTEES:

AGING

ARMED SERVICES

COMMERCE, SCIENCE, AND TRANSPORTATION

JUDICIARY

VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

October 24, 2017

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

(202) 224-2823

FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103

(860) 258-6940

FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, SUITE 304
BRIDGEPORT, CT 06604

(203) 330-0598

FAX: (203) 330-0608

<http://blumenthal.senate.gov>

U. S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Sir or Madam:

I am writing you in regards to a constituent of ours, who served in the US Navy in the 1970s and served aboard the USS Little Rock between 1973 and 1975. He states during this period, he was part of a special crew whose task was oil spill cleanup while in the Bay of Gaeta. He said while undertaking this task that he and his crew came in contact with an oil dispersant he has reason to believe may have been Corexit. Corexit can be traced back to the Standard Oil Company, which was later purchased by Exxon Mobil. During a telephone conversation with an Exxon Mobil Representative last week, our office was told that the product was created in the late 1960s/early 1970s and was, at the time, 'approved for direct and indirect human consumption by the FDA.'

Therefore, I am contacting your agency at this time to confirm this. I would also like to be provided anything EPA may possess concerning the use of Corexit during that time period. Additionally, and if possible, I would also appreciate it if EPA could provide an answer to the following questions:

How was Corexit tested?

Where was it tested?

Was it only tested in the USA? Was it ever tested in Europe, Italy especially?

Was Corexit always known as Corexit?

Were there any other dispersants similar to Corexit in existence and/or available during that time period?

Has it ever been known by a different name?

What information can EPA provide in terms of the danger and toxicity of the product?

In the meantime, if you have any additional questions or concerns, please contact constituent liaison Paul Nasella at: 860-258-6940. I look forward to assisting you with this important issue.

Sincerely,



Richard Blumenthal
United States Senate

Office of U.S. Senator Richard Blumenthal
Information Release Form



I understand you are in need of assistance and would like you to know I am devoted to doing my best to resolve your issue. Please fill out this authorization form and return it to my office as quickly as possible via mail/fax/email in order for me to act legally on your behalf.

****In accordance with the Privacy Act of 1974, your signature is required for Senator Blumenthal to contact appropriate federal agencies on your behalf****

Please note the person requesting assistance must sign this form.

Today's Date 11 Sept. 2017

Have you contacted another office for assistance?

*Senator Jack Reed
Senator Murphy
Rep. Joe Courtney*

Name:

First

Middle

Last

Mailing Address:

E-mail:

NONE

Date of Birth:

Work:

Retired

Cell:

Home:

Please complete the sections that apply to your case

Military ID/ VA ID/ Other ID #

Sponsor's ID/ SSN

Rank/ Unit

Duty Station

USS Little Rock CLG-4

Immigration Issues

Receipt/Case Number

Alien Registration Number A-

Please circle one of the following:

US Citizen

Permanent Resident

Temporary Resident

Name of Agency

Type of Application Filed

Please complete and sign page 2 of this form.

Social Security Admin Issues

Type of claim filed _____

Initial Claim	Date Filed	<input type="radio"/> Pending	<input type="radio"/> Approved	<input type="radio"/> Denied
Reconsideration	Date Filed	<input type="radio"/> Pending	<input type="radio"/> Approved	<input type="radio"/> Denied
ALJ Hearing	Date Filed	<input type="radio"/> Pending	<input type="radio"/> Approved	<input type="radio"/> Denied
Appeals Council	Date Filed	<input type="radio"/> Pending	<input type="radio"/> Approved	<input type="radio"/> Denied

Other

Name of Agency _____

Case Number/ Social Security No _____

Describe the nature of the issue and how you would like Senator Blumenthal to assist you.

(Please list any people (attorney, family, friends, etc.) you give the office permission to speak with about your case)

(Aug '73 to Sept. '75)
While I was part of the "Ships company" on the USS Little Rock when it was the 6th Fleet Flag Ship stationed in Gaeta Italy. I was part of an engineering team that sprayed an unknown chemical on oil spills in the Bay of Gaeta to cause the ~~to~~ oil floating on the water to congeal and sink to the bottom. While spraying this chemical we were covered with this spray, due to the wind blowing it around.

I hereby authorize the Office of Senator Richard Blumenthal and his staff to make inquiries into my personal records and/or files, and to obtain information about me pertaining to my request for assistance. The information I have provided is true and accurate to the

Signature _____

Date _____

Please complete and mail or fax this form to:

Senator Richard Blumenthal
90 State House Square, 10th Floor
Hartford, CT 06103
Phone: 860-258-6940
Fax: 860-258-6958

Email: casework@blumenthal.senate.gov

Due to the fact that physical problems have gotten worse, due to the fact after having sought help from the V.A. for many year the V.A. has been made (over)

aware of the physical problems that I have had to deal with for 42 years.

I had to go to The Critical Care Unit

at (b) (6) because my physical condition had deteriorated to a point where I was having trouble breathing.

I was put in bed and medical treatments were started. Later that day I was released, and drove myself home. I was given an inhaler, and was to use it 4 times a day, I am still doing that.

- ① Someone in charge has to admit that there is a problem.
- ② The V.A. has to be told how to treat the people that sprayed this chemical.
- ③ I hope this happens before I am in a box with the flag draped over it!

United States Senate

WASHINGTON, DC 20510

October 26, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

We write to request additional information regarding the Environmental Protection Agency's (EPA's) October 10, 2017 proposal to repeal the Clean Power Plan. Our review of the 2017 Repeal proposal¹ reveals significant deficiencies associated with the cost-benefit analysis used to support the 2015 Rule's repeal. At seemingly every turn, the 2017 Repeal proposal uses mathematical sleights of hand to over-state the costs of industry compliance with the 2015 Rule and under-state the benefits that will be lost if the 2017 Repeal is finalized. Denying the science and fabricating the math may satisfy the agency's paperwork requirements, but doing so will not satisfy the requirements of the law, nor will it slow the increase in frequency and intensity of extreme weather events, the inexorable rise in sea levels, or the other dire effects of global warming that our planet is already experiencing. It will also not improve our standing in the international community or bring certainty to power markets as states plan for their future energy needs.

Specifically, we note that:

- Although the World Health Organization has stated² that "small particle pollution has health impacts even at very low concentrations – indeed no threshold has been identified below which no damage to health is observed," the 2017 Repeal asserts that there may not be any health effects associated with exposure to soot particles below certain thresholds³. This dramatic departure from the use of the best-available, peer-reviewed science has the effect of lowering the health co-benefits of the 2015 Rule from \$14-\$34 billion⁴ by 2030 and 3,600 avoided deaths, to the 2017 Repeal's estimate of \$1.3-\$4.5 billion and 120-420 avoided deaths.

¹ https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

² <http://apps.who.int/iris/bitstream/10665/250141/1/9789241511353-eng.pdf?ua=1>

³ See for example, page 8 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

⁴ https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf See the 3%-2030 case in Table ES-7 and compared to Tables 1-4 and 3-10 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

- Although the 2015 Rule projected compliance costs of the Clean Power Plan to be between \$5.1 and \$8.4 billion by 2030⁵, the 2017 Repeal lists these costs to be as high as \$33.3 billion by 2030, an almost four-fold increase. This appears to be because the cost-savings associated with energy efficiency improvements in homes and businesses are no longer counted in the 'costs column,' a deceptive accounting move seemingly designed to artificially inflate the costs of compliance with the 2015 Rule.
- The 2015 Rule was projected to yield \$20 billion in climate benefits by 2030⁶, whereas the 2017 Repeal projects only \$0.5-\$2.7 billion. This is because in the 2017 Repeal proposal, EPA chose to depart from a methodology that took years of discussion and review to develop and confined its analysis to climate damages predicted to occur only within the United States. EPA also low-balled the costs associated with the damages caused by climate change, reducing these costs by as much as 97% from the costs included in the 2015 Rule⁷.
- The 2017 Repeal's cost-benefit analysis fails to incorporate available studies and data demonstrating that the electricity sector has made significant progress in complying with the 2015 Rule and that the costs of doing so have declined considerably since the 2015 Rule was finalized, even though some of these studies are cited in the 2017 Repeal proposal.

Your rejection of the scientific consensus that greenhouse gas pollution causes global warming is well-known⁸. Additionally, we continue to await your response to the April 7, 2017 letter⁹ requesting more details about your views related to the cause of global warming and the agency's plan to repeal and replace the 2015 Clean Power Plan Rule. Our review of the 2017 Repeal proposal only heightens our concerns.

So that we can better understand the basis for the 2017 Repeal, we request that you provide us with all documents (including but not limited to emails, memos, meeting notes and correspondence) sent or received by EPA that are related to EPA's cost-benefit analysis for its 2017 Repeal of the Clean Power Plan. Thank you very much for your attention to this important matter. Please provide your response no later than December 1, 2017. If you or members of your staff have further questions, please feel free to ask them to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

Sincerely yours,

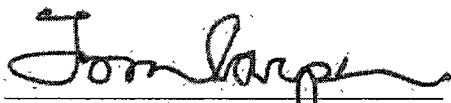
⁵ See Table ES-5 of https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf

⁶ See Table ES-7 of https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf 3% discount 2030 case compared to the same case in Table 1.3 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

⁷ https://www.washingtonpost.com/news/energy-environment/wp/2017/10/11/new-epa-document-reveals-sharply-lower-estimate-of-the-cost-of-climate-change/?utm_term=.e2d01c43f315

⁸ <https://www.cnn.com/2017/03/09/epa-chief-scott-pruitt.html>

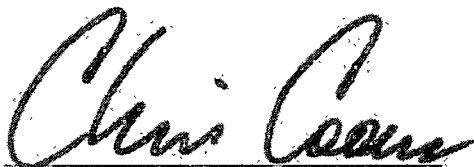
⁹ <https://www.epw.senate.gov/public/index.cfm/2017/4/carper-senate-democrats-question-pruitt-on-epa-s-plan-to-address-carbon-pollution-without-the-clean-power-plan>



Tom Carper
United States Senator



Sheldon Whitehouse
United States Senator



Christopher A. Coons
United States Senator



Cory A. Booker
United States Senator



Al Franken
United States Senator



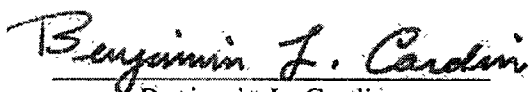
Jeanne Shaheen
United States Senator



Richard Blumenthal
United States Senator




Richard J. Durbin
United States Senator

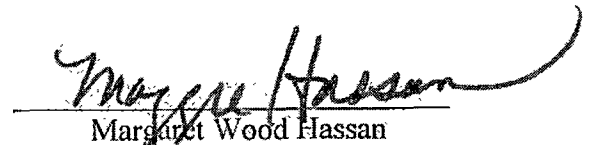



Benjamin L. Cardin
United States Senator

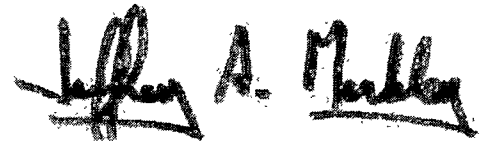


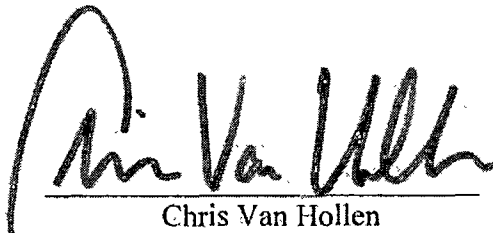
Michael F. Bennet
United States Senator

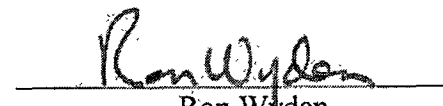

Brian Schatz
United States Senator

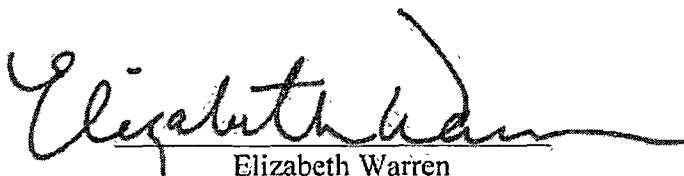

Margaret Wood Hassan
United States Senator

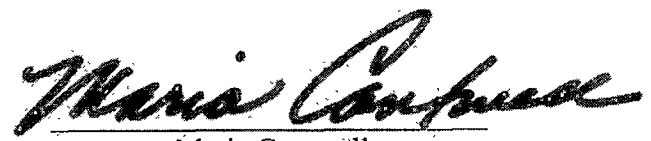

Kamala D. Harris
United States Senator



Jeffrey A. Merkley
United States Senator


Chris Van Hollen
United States Senator


Ron Wyden
United States Senator


Elizabeth Warren
United States Senator


Maria Cantwell
United States Senator


Patty Murray
United States Senator

United States Senate

WASHINGTON, DC 20510

November 07, 2017

The Honorable Ann Marie Buerkle
Acting Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Dr. Brenda Fitzgerald, MD
Director, Centers for Disease Control and Prevention
Administrator, Agency for Toxic Substances and Disease Registry
1600 Clifton Road
Atlanta, GA 30329

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Chairman Buerkle, Director Fitzgerald, Administrator Pruitt:

In February 2016, your agencies launched the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (FRAP). The purpose of this initiative – led by the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (CDC/ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) – was to answer concerns by the public about the safety of recycled rubber tire crumb used in synthetic turf fields and playgrounds. More than a year and a half later, and with little in the way of definitive conclusions, we are concerned that progress has stalled. We write seeking a commitment that the intention is there to fulfill the objectives of this task force and that conclusive findings will be published within the next six months.

As is known, thousands of synthetic turf fields and playgrounds installed across the country use recycled scrap tires, also known as crumb rubber, as infill. However, there is no conclusive information about the health and safety risks to children and vulnerable populations from exposure to this product. Crumb rubber may contain certain toxic substances ranging from lead, arsenic, and cadmium, to mercury and halogenated fire retardants. Additionally, there have been troubling reports linking individuals who regularly play on and come in direct contact with artificial turf fields, such as soccer goalies, to serious health consequences, such as cancer. Communities and parents deserve to know whether crumb rubber infills contain toxic chemicals and if they are present at levels that pose a health risk.

Accordingly, we respectfully request responses from each of you regarding your commitment to fulfill the objectives of the task force and to provide much-needed answers to the public within six months. If this cannot be accomplished within six months, please explain what other factors or resources, including funding or personnel, might affect the successful completion of this research. Please outline any additional resources that may be needed to ensure the project is completed on schedule.

The findings of this research are essential to public health and safety as crumb rubber continues to be used and deployed in artificial turf fields and playgrounds across the country. We respectfully request a response no later than November 28, 2017.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



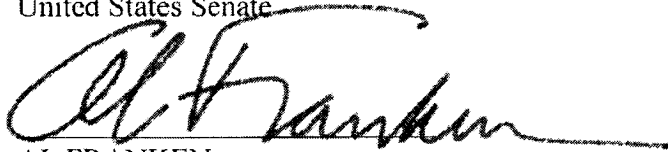
BILL NELSON
United States Senate



KIRSTEN GILLIBRAND
United States Senate



EDWARD J. MARKEY
United States Senate



AL FRANKEN
United States Senate

OLA

16

United States Senate

WASHINGTON, DC 20510

July 10, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

Last year, the Bureau of Land Management (BLM) finalized rules to reduce methane wasted by the oil and natural gas sector on public lands and the Environmental Protection Agency (EPA) finalized standards to reduce methane and other harmful air pollutants from new and modified oil and gas facilities nationwide. This month, these agencies each took actions to suspend these important safeguards. These actions are unwarranted and will harm public health, taxpayers, and our energy security.

The BLM and EPA rules were adopted after years of deliberation and numerous opportunities for public input. More than one million people weighed in supporting these agency efforts.

On July 3, 2017, the District of Columbia Court of Appeals ruled that the EPA could not suspend the rules consistent with the Clean Air Act and new and modified oil and gas facilities must begin reducing methane emissions and other toxic air pollutants in accordance with the rules. The court noted that industry not only had ample opportunity to comment on the rule, but that the EPA had incorporated industry comments into the final rule.

On July 5, 2017, the States of California and New Mexico have filed suit against BLM in the Northern District of California raising the same type of objections to BLM's suspension of its methane rule.

Earlier, on May 10, 2017, the U.S. Senate rejected an attempt under the Congressional Review Act to nullify BLM's rule. That vote demonstrated that there is not support in Congress for rolling back these protections for our environment, American taxpayers, and public health. The American public broadly supports preventing the unnecessary waste of public resources, as required by the Mineral Leasing Act, and reducing air pollution associated with oil and gas development.

Suspending commonsense regulations to reduce waste and stop air pollution needlessly poses health and safety risks on children and our most vulnerable citizens. The BLM and EPA rules each rely on proven, widely available, and cost effective technologies to reduce leaking, venting, and flaring, and keep natural gas in production and in commerce rather than in the air. Delaying or revising these rules will only cause additional and unnecessary waste and result in substantial harm to communities across the country that will be exposed to dangerous air pollution. For the EPA to take action that will result in children being exposed to harmful oil and gas well emissions for at least two additional years in order to give the oil and gas industry a windfall is antithetical to the agency's core mission.

Over the last several years, industry compliance with regulations limiting methane and other air pollutants by EPA, BLM, and several states has demonstrated that companies can cost effectively prevent the waste of important energy resources and reduce air pollution that threatens our communities and our climate. Reuters reviewed recent Security Exchange Commission filings and found that "13 of the 15 biggest U.S. oil and gas producers said that compliance with current regulations is not impacting their operations or their financial condition." And, according to the Bureau of Labor Statistics, oil and gas industry employment has steadily increased since the rules took effect, even in the face of flat and declining oil prices. The Baker Hughes U.S. rig count identified over 900 land rigs in operation in June, 2017 -- up from 558 when the BLM rule was finalized in November, 2016, representing more than a 50% increase.

Both the EPA and BLM rules are commonsense, cost effective requirements that direct the oil and gas industry to find and fix leaks, use up-to-date readily available equipment, and prevent waste of a natural resource -- saving taxpayers money while also reducing air pollution and protecting human health. These requirements drive innovation and increase jobs in the growing sector of methane detection and capture technologies.

We urge you to fully implement the EPA and BLM methane and air pollution regulations as legally required without delay and to keep these important protections for public health, American taxpayers, and our energy security in place.

Sincerely,



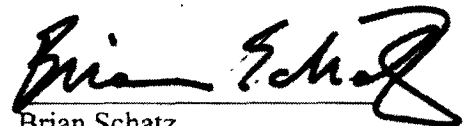
Tom Udall
United States Senator



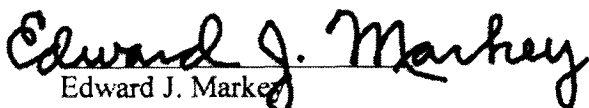
Maria Cantwell
United States Senator



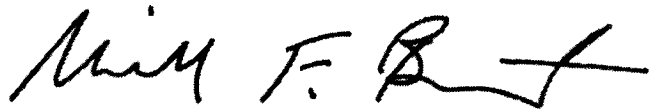
Sheldon Whitehouse
United States Senator



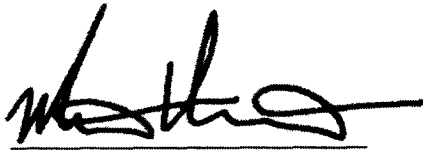
Brian Schatz
United States Senator



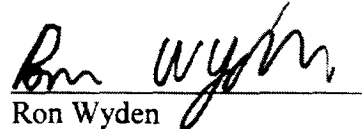
Edward J. Markey
United States Senator



Michael F. Bennet
United States Senator



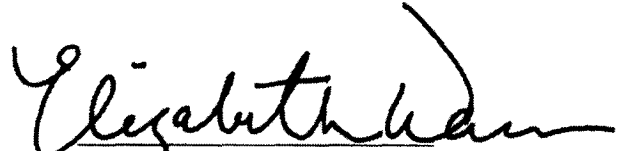
Martin Heinrich
United States Senator



Ron Wyden
United States Senator




Al Franken
United States Senator



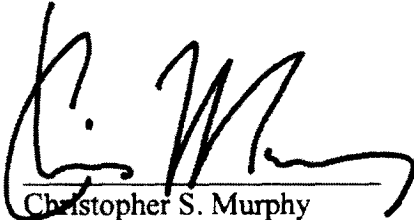
Elizabeth Warren
United States Senator



Christopher A. Coons
United States Senator



Jeff Merkley
United States Senator



Christopher S. Murphy
United States Senator



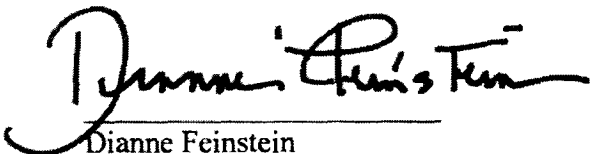
Debbie Stabenow
United States Senator



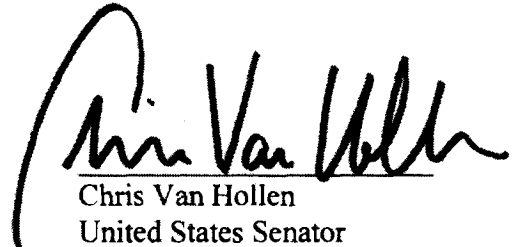
Cory A. Booker
United States Senator



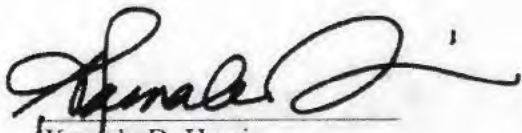
Richard J. Durbin
United States Senator



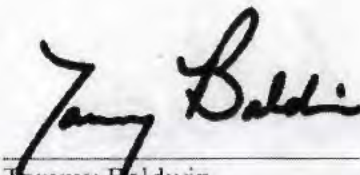
Dianne Feinstein
United States Senator



Chris Van Hollen
United States Senator



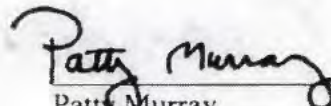
Kamala D. Harris
United States Senator



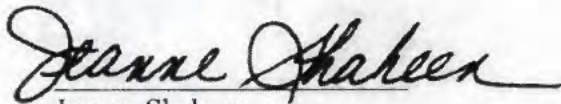
Tammy Baldwin
United States Senator



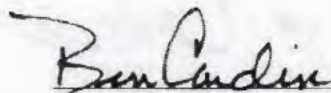
Mazie K. Hirono
United States Senator



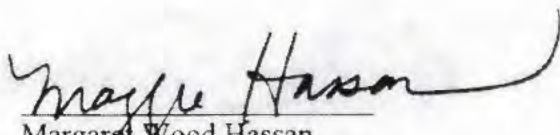
Patty Murray
United States Senator



Jeanne Shaheen
United States Senator



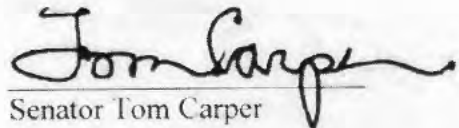
Benjamin L. Cardin
United States Senator



Margaret Wood Hassan
United States Senator



Kirsten Gillibrand
United States Senator



Senator Tom Carper

Cc:
Secretary Ryan Zinke, U.S. Department of the Interior
Administrator G. Scott Pruitt, U.S. Environmental Protection Agency

Congress of the United States
Washington, DC 20510

October 27, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We are deeply troubled by reports and an October 21st 2017 New York Times article that described how in spite of objections from scientists and administrators in multiple offices within the Environmental Protection Agency (EPA), political appointees at the agency weakened recent regulations promulgated under the Toxic Substances Control Act (TSCA), our nation's principal chemical safety law. We are concerned that these actions not only ignore Congressional intent but may also deprive Granite Staters of critical information about the risks that chemical materials, particularly perfluorinated compounds, pose to their families' health.

In 2016, Congress passed and President Obama signed the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), which substantially amended the 1976 TSCA to create a stronger, more effective chemical safety system in the U.S. Pursuant to the Lautenberg Act, the EPA is required to prioritize and evaluate existing chemicals based purely on the risks they pose to human health and the environment. Moreover, when assessing the safety of a chemical, the Lautenberg Act requires that the EPA consider all uses of the chemical, and take steps to especially ensure the protection of vulnerable individuals who are most at risk from these substances.

We are concerned that the "framework rules" issued by EPA on June 22, 2017, which are intended to provide guidance for the implementation of the Lautenberg Act, create opportunities for the agency and challengers of the law to undermine the safety measures clearly directed by Congress.

In particular, we take issue with the reversal of EPA's approach to a chemical substance's "condition of use." While the proposed rules issued by the agency on January 17 and 19, 2017, called for the evaluation of all uses of a chemical, including known, intended and reasonably foreseeable uses, the final framework rules give EPA the discretion to exclude from its analysis certain uses. This change has far-reaching consequences and may limit the agency's evaluation of legacy chemicals including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These concerns were expressly brought to the attention to the Office of Chemical Safety and Pollution Protection (OCSPP) in a memorandum from the Office of Water (OW) dated May 30, 2017, as departments within the agency were considering revisions to the proposed regulations.

Once used for a variety of commercial and industrial applications, such as nonstick cookware and firefighting foam, PFOA and PFOS have been associated with birth defects, various forms of cancer and

immune system dysfunction. These materials are no longer sold but they are still present in the environment in New Hampshire and other states. PFOA and PFOS have emerged as a widespread contaminant in drinking water sources in several southern New Hampshire towns and were responsible for the closing of a major water supply well located at the former Pease Air Force Base.

In its memorandum, OW recommended that OCSPP rescind its revisions and instead adopt a "chemical substance-based approach" that would appropriately consider exposure pathways that may lead to drinking, surface and ground water contamination. A similar recommendation was given to OCSPP by the head of EPA's Waste and Chemical Enforcement Division in the Office of Enforcement and Compliance Assurance (OECA). Given the increased detection of PFOA and PFOS in communities across America, it is disturbing that the OCSPP did not adhere to the recommendations of OW and OECA. We share the concerns expressed by OW and OECA that language included in the final framework rules will make it harder to track the health consequences of PFOA and PFOS, and therefore appropriately regulate these harmful materials.

As the lead federal agency tasked with protecting human health and the environment, EPA must reassure Americans that the agency's decisions are in the public's best interest and not a result of industry pressure or political influence. Therefore, we respectfully request answers to the following inquiries:

- Please explain how the "conditions of use" will be determined for PFOA, PFOS and other chemical substances for which there are legacy uses under the framework rules issued on June 22, 2017. If legacy uses of these chemicals will not be included in any risk evaluation EPA conducts for these substances, please describe how the agency will accurately determine whether the chemical substance poses an unreasonable risk.
- Pursuant to the Lautenberg Act, a key criterion for prioritization and risk assessment includes "a consideration of the hazard and exposure potential of a chemical substance or a category of chemical substances (including consideration of...storage near significant sources of drinking water)." Please describe how the framework rules meet this requirement.

We thank you for your attention to this important matter and look forward to your timely response.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Carol Shea-Porter
Member of Congress



Ann McLane Kuster
Member of Congress

United States Senate

WASHINGTON, DC 20510

December 6, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our concern about your decision to re-open EPA's midterm evaluation for the light-duty vehicle emissions rule for MY 2022-2025. We also object strenuously to revisiting the standards set for 2021, which were never supposed to be a part of the mid-term evaluation. The agency has used the best-available science, in consultation with other federal and state agencies and the auto industry, to conclude that these emissions standards are feasible and achievable. We therefore urge you to not weaken the emissions standards for model years 2021 and 2022 through 2025.

As a part of this mid-term evaluation, EPA, NHTSA, and the California Air Resources Board released a joint Technical Assessment Report (TAR) in 2016, which was based on years of analysis, tear down studies, and engine mapping. The report included significant stakeholder input, both from industry and NGOs. The TAR showed that the automakers have the technical ability to meet the existing MY 2022-2025 standards by relying mostly on incremental improvements to conventional vehicle technologies. The TAR also found that these standards were cost-effective and would provide significant benefits to consumers. Using the robust analysis in the TAR as well as stakeholder input on the TAR, EPA released a proposed determination that the MY 2022-2025 standards are appropriate. In concluding that no changes to the standard were necessary, EPA also reaffirmed that the rule provides significant public health and climate benefits.

In February, however, shortly after you were confirmed as Administrator, the Alliance of Automobile Manufacturers, which represents 12 automakers including GM, Ford, Toyota and Volvo, sent you a letter asking that you re-open the mid-term evaluation and you granted their request. The mission of the EPA is to protect human health and the environment. Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits.

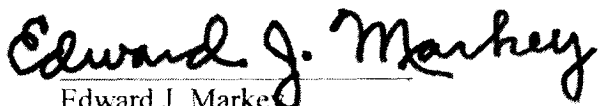
Since these standards first began to be implemented the U.S. auto industry has added 700,000 jobs and had all-time record for sales in both 2015 and 2016. Additionally, independent analysis done by the non-profit organization Ceres, which represents investors and businesses, found that these fuel economy emissions standards provide automakers and their suppliers the certainty they need to add investment toward advanced technologies like electric vehicles and more efficient technologies. Ceres also found that the rule is needed for the long-term health of the industry. Also, earlier this year, the International Council on Clean Transportation released a technology assessment report that found that in some scenarios the technology costs to meet the MY2025 standard is 30% to 40% lower than what EPA and NHTSA projected. The public has benefitted

as well – consumers have saved over \$42 billion at the pump and mitigated 195 million metric tons of global warming emissions, according to the EPA.

We urge you not to weaken these vehicle emissions standards, and allow the auto industry to ensure its continued success and further its innovation while maintaining a standard that brings clear public health, climate, and consumer benefits. As you move to reevaluate the sound technical conclusions your agency reached last year in the mid-term evaluation, we expect you will consider the facts, the science, and the law, which all lead to the single conclusion that the standards are achievable.

We will be monitoring this review process and look forward to working with you on this issue.

Sincerely,



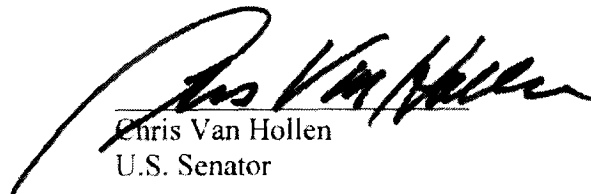
Edward J. Markey
U.S. Senator



Sheldon Whitehouse
U.S. Senator



Kamala D. Harris
U.S. Senator



Chris Van Hollen
U.S. Senator




Al Franken
U.S. Senator



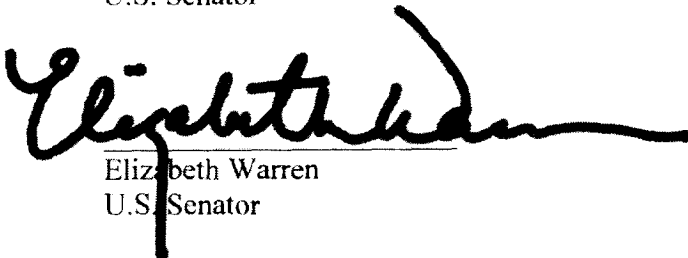
Margaret Wood Hassan
U.S. Senator



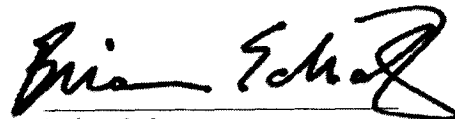
Ron Wyden
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



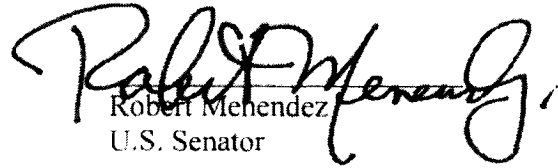
Elizabeth Warren
U.S. Senator



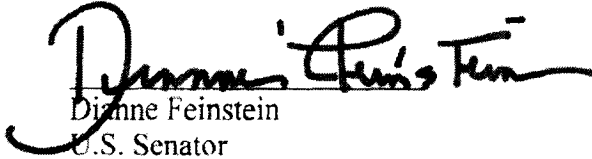
Brian Schatz
U.S. Senator



Maria Cantwell
U.S. Senator



Robert Menendez
U.S. Senator



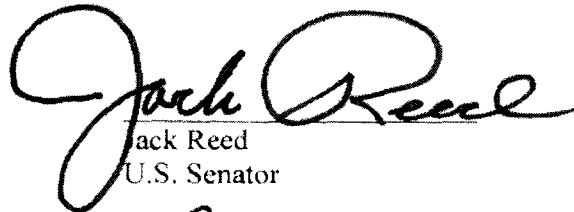
Dianne Feinstein
U.S. Senator



Benjamin L. Cardin
U.S. Senator



Tom Udall
U.S. Senator



Jack Reed
U.S. Senator



Richard Blumenthal
U.S. Senator



Bill Nelson
U.S. Senator



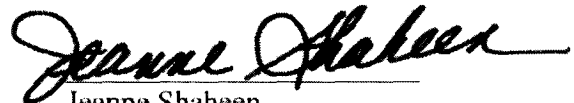
Richard J. Durbin
U.S. Senator



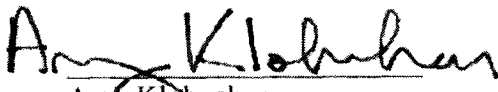
Kirsten Gillibrand
U.S. Senator



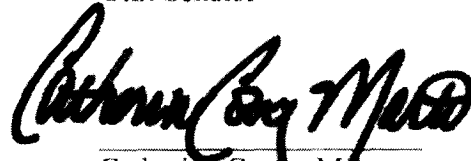
Bernard Sanders
U.S. Senator



Jeanne Shaheen
U.S. Senator



Amy Klobuchar
U.S. Senator



Catherine Cortez Masto
U.S. Senator

Cc: The Honorable Elaine L. Chao, Secretary, U.S. Department of Transportation

United States Senate

WASHINGTON, DC 20510

October 20, 2017

The Honorable Pat Roberts
Chairman
U.S. Senate Committee on Agriculture,
Nutrition & Forestry
328A Russell Senate Office Building
Washington, DC, 20510

The Honorable Debbie Stabenow
Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition & Forestry
328A Russell Senate Office Building
Washington, DC 20510

Dear Chairman Roberts and Ranking Member Stabenow:

We are following up on our letter of July 18, 2017, to provide greater clarity on the small number of reasonable actions EPA must take to ensure a minimum level of public confidence in its pesticide regulatory program before Congress should reauthorize it on a long-term basis. If the Administrator of the EPA commits in writing to the following actions, we believe that PRIA reauthorization can be expedited through the Senate on a rapid basis.

- Maintain the Agricultural Worker Protection Standard published in the federal register on November 2, 2015, including its effective dates and compliance dates, for a minimum of 3 years or the duration of PRIA reauthorization;
- Maintain the Certification of Pesticide Applicators rule published in the federal register on January 4, 2017, including its effective dates and compliance dates, for a minimum of 3 years or the duration of PRIA reauthorization; and
- Issue a final decision on the objections to the March 29, 2017 Order Denying the PAN/NRDC Petition to Revoke All Tolerances and Cancel All Registrations for the Pesticide Chlorpyrifos by November 20, 2017, and on any additional objections filed regarding future chlorpyrifos decisions within 90 days of receipt.

Thank you for listening to these concerns. We stand ready to sit down and discuss these issues in further detail as soon as possible to enable passage of a long-term PRIA reauthorization with a minimum of disruption to agency operations. If the Administration fails to take such reasonable actions to restore a minimum level of confidence in its pesticide program, then we will exercise our procedural rights on the Senate floor to ensure a full debate on these issues with an opportunity for an open amendment process.

Sincerely,



Tom Udall
U.S. Senator



Richard Blumenthal
U.S. Senator



Cory A. Booker
U.S. Senator

cc:

The Honorable Scott Pruitt
The Honorable Rodney Davis

RICHARD BLUMENTHAL
CONNECTICUT

COMMITTEES:

AGING

ARMED SERVICES

COMMERCE, SCIENCE, AND TRANSPORTATION

JUDICIARY

VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

January 10, 2018

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

(202) 224-2823
FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103
(860) 258-6940
FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, SUITE 304
BRIDGEPORT, CT 06604
(203) 330-0598
FAX: (203) 330-0608
<http://blumenthal.senate.gov>

U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir or Madam:

I am writing you on behalf of constituent (b) (6), served on active duty in the Navy from 1965 through 1969. The veteran states he was stationed at the Patuxent River Naval Air Station while in service and that he had served as a heavy equipment operator while there. The constituent has since been diagnosed with chloracne, diabetes, and Parkinson's Disease. Our office has been working with the constituent for the past year and we are reaching out to your agency as we are in need of information to support the claims he has since filed with VA.

The evidence our office has been able to locate indicates the Fishing Point Landfill, known as Site 1, located there at the Patuxent River Naval Air Station, operated from 1960 through 1974. Given the dates of service of the veteran, 1965 through 1969, it appears when the veteran said he was serving in his MOS as a heavy equipment operator at "the dump" this is the location he was referring to. The information our office has located, including at the site of EPA, indicates a number of contaminants were removed from the air station as the base has since been declared a Super Fund site. However, what our office has not been able to locate is any information showing which contaminants and/or hazardous materials were present at, and removed from, the Fishing Point Landfill.

Therefore, our office is writing you at this time to request EPA provide our office information explaining the history of the Fishing Point Landfill, how it operated while in use, the process in which waste was disposed of there, and most importantly, which hazardous materials and/or contaminants were disposed of there while the landfill was in use from 1960 through 1974.

In the meantime, if you have any additional questions or concerns, please contact constituent liaison Paul Nasella at: 860-258-6940.

Sincerely,



Richard Blumenthal
United States Senate

Congress of the United States
Washington, DC 20510

January 25, 2018

Alexandra Dunn
Administrator, Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

Dear Ms. Dunn:

We write today regarding the recent letter to Mr. Peter Britz from Mr. Gerardo Millán-Ramos, Remedial Project Manager for the Coakley Landfill Superfund Site, formally requesting a deep bedrock investigation at the site. We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible.

As you are aware, in September 2017, EPA Region 1 released the addendum to the fourth Five-Year Review for the Coakley Landfill Superfund Site. In the addendum, EPA identified that “the knowledge about groundwater flow and the fate and transport of site contaminants of concern (COCs) in the deep bedrock is very limited”. The recommended action outlined in the addendum was that the Coakley Landfill Group, the potentially responsible party (PRP) for the Coakley Landfill Superfund Site, conduct a deep bedrock investigation to address the data gaps and possible transport of contaminants from the site. Since the deep bedrock investigation is projected to take approximately two years, it is essential that the EPA avoid delays in completing this critical work.

Protecting the health and wellbeing of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.

Thank you for your ongoing efforts at the Coakley Landfill Superfund Site. We look forward to continuing to work with you and EPA Region 1 to address the public health and environmental concerns of Granite Staters.

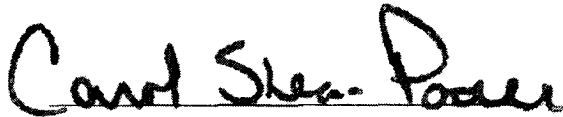
Sincerely,




Margaret Wood Hassan
United States Senator



Jeanne Shaheen
United States Senator

Handwritten signature of Carol Shea-Porter in black ink.

Carol Shea-Porter
Member of Congress

Handwritten signature of Ann McLane Kuster in black ink.

Ann McLane Kuster
Member of Congress

Congress of the United States

Washington, DC 20510

February 23, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We strongly urge the U.S. Environmental Protection Agency (EPA) to withdraw its proposed denial and instead grant Connecticut's petition under Section 126 of the Clean Air Act regarding the Brunner Island Steam Electric Station and expeditiously provide Connecticut with long sought after relief from dirty, downwind air pollution. Connecticut has long been adversely impacted by trans-border air pollution, often directly causing our state to exceed EPA ozone and other pollutant limits – the very type of pollution emitted by Brunner Island Station.

Congress recognized the need for the EPA to step in and address pollution sources in one state that adversely impact another. Because a harmed state has no authority to regulate pollution sources located in another jurisdiction, under the Clean Air Act, Congress provided the EPA with the critical statutory duty to address trans-border pollution. Timely, effective EPA action is required in order for the agency to appropriately carry out this important responsibility.

As you know, the Clean Air Act requires EPA to set national ambient air quality standards to protect public health and welfare. In cases where a large stationary source, or group of such sources, emits air pollution significantly contributing to air quality problems in another downwind state, Section 126 of the Clean Air Act permits the downwind state to petition EPA to require that the original out-of-state source or group of sources comply with emission controls or cease operations.

In June 2016, Connecticut filed a petition concerning pollution emitted by the Brunner Island Steam Electric Station, a coal-fired power plant that produces cheap, dirty power in York Haven, Pennsylvania. The prevailing winds from Brunner Island Station often bring harmful air pollution downwind into Connecticut, contributing to serious regional public health risks.

Specifically, air pollution from Brunner Island Station has resulted in increased concentrations of ground-level ozone in Connecticut. EPA has linked ozone exposure to reduced lung function, increased asthma attacks, and even higher risk of premature death. The pollution load also adds economic costs for local businesses to compensate for the out-of-state contribution, and has fundamentally interfered with Connecticut's ability to comply with the 2008 National Ambient Air Quality Standards (NAAQS). Additionally, while EPA expects Brunner Island Station to only burn natural gas going forward, there is no legally enforceable requirement that prevents it from switching back to coal prior to the summer of 2023 –should a recent proposed consent decree take effect.

Under the plain language of Section 126, EPA is required to respond to a petition within 60 days. It is unacceptable that EPA failed to respond to Connecticut's petition until now—a clear violation of the time period intended by the U.S. Congress. It is equally unacceptable that at this late date, EPA now proposes to deny the petition without providing an enforceable remedy to address Connecticut's air pollution problem.

Air pollution does not respect state lines nor the health and economic consequences that come along with it. As such, we urge you to immediately provide Connecticut with relief by approving the Section 126 petition, and requiring the Brunner Island Station to eliminate its harmful emissions contributing to ozone transported into Connecticut.

Thank you for your attention to this important matter.

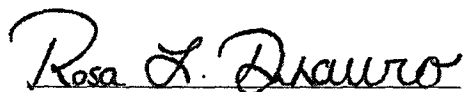
Sincerely,



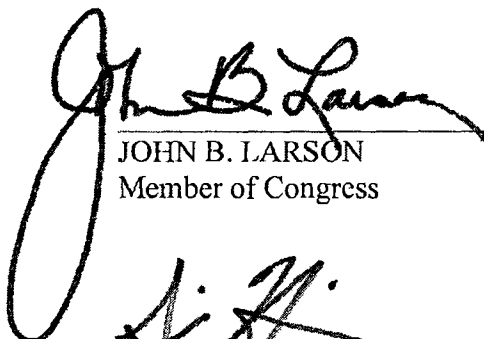
RICHARD BLUMENTHAL
United States Senate



CHRISTOPHER S. MURPHY
United States Senate



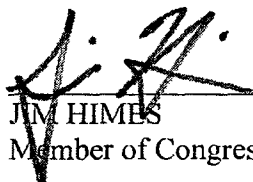
ROSA DeLAURO
Member of Congress



JOHN B. LARSON
Member of Congress



JOE COURTNEY
Member of Congress



JIM HIMES
Member of Congress



ELIZABETH H. ESTY
Member of Congress

United States Senate

WASHINGTON, DC 20510

March 14, 2018

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to express our deep concern over the reversal of the Environmental Protection Agency's (EPA) longstanding policy under Section 112 of the Clean Air Act to continuously regulate hazardous air pollution from major industrial sources. Revoking the "once in, always in" policy will lead to greater levels of arsenic, lead, mercury, and almost two hundred other air toxic pollutants in communities around the United States. The policy's revocation is not based on sound legal reasoning. We therefore request that you reinstate the "once in, always in" policy at least until EPA has performed, and received public comment on, a thorough analysis of the expected increases in air toxic pollution and its corresponding impacts on human health. In a recent hearing before the Senate Environment and Public Works Committee, you acknowledged the agency failed to do such analysis before making its ill-advised decision.

In the Clean Air Act Amendments of 1990, Congress dramatically changed the way EPA regulated national air toxic emissions in this country. In 1990, Congress amended Section 112 of the Clean Air Act to require EPA to implement technology-based standards for the nation's largest sources of the most hazardous air pollutants known to cause cancer and other serious health effects. In setting these standards, known as maximum available control technology (MACT) standards, EPA must ensure the emission limits achieve the "maximum degree of reduction in emissions" based on existing technology and practices used by the best performers in industry. Every eight years, EPA must review MACT standards to determine if they protect health and welfare. The law also sets emission thresholds to distinguish between major and minor (called area) sources and allows the EPA Administrator to set less-stringent or no standards for area sources.

As the agency started to implement the Clean Air Act Amendments of 1990, EPA recognized there would be circumstances when the MACT standards Congress envisioned would reduce air toxic emissions lower than the major source threshold emission limits. According to EPA, this would mean "without a once in, always in policy, these (major) facilities could 'backslide' from MACT control levels" and "[T]hus, the maximum achievable emissions reductions that Congress mandated for major sources would not be achieved."¹ That's why, in 1995, EPA established a

¹ <https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf>

"once-in, always-in" policy stating that once a facility is required to comply with major source MACT standards, that facility would always remain subject to those standards. As EPA explained at the time, this interpretation "follows most naturally from the language and structure" of the Clean Air Act.

Today, through the air toxics MACT program, there are 187 hazardous air pollutants being reduced from more than 174 categories of major industrial sources — including coal-fired power plants, lead smelters and industrial boilers. In many circumstances, the EPA Administrator has decided not to include a standard for area sources. This means the "once in, always in" policy has served as a critical backstop for 23 years to ensure air toxic reductions from our largest sources are permanent, as Congress mandated in 1990. According to a 2017 EPA fact sheet, the air toxics MACT program with the "once in, always in" policy has resulted in the elimination of 1.7 million tons of hazardous air pollution.²

On January 25, 2018, EPA's Office of Air and Radiation issued new guidance that revoked the "once in, always in" policy for major sources, based on a purported "plain language reading" which is inaccurate, ignores the broader statutory framework, and likely to lead to absurd results. Instead of requiring major sources to meet the "maximum degree of reduction in emissions" as Congress intended, EPA's change now allows all major sources the legal right to increase emissions up to area source thresholds and an option to avoid MACT requirements all together. This will allow industrial facilities across the country to stop running or stop consistently operating the key technology that is currently reducing some of our most dangerous air pollution. In response to questions from Senator Markey in an Environment and Public Works (EPW) hearing on January 30, 2018, you responded that you do agree that more mercury, lead, and other air toxics will have a negative impact on human health. Yet, this policy reversal will mean that more cancer-causing and other hazardous air toxics, like arsenic, mercury, benzene and PCBs, will get into the air we breathe, the water we drink, and the food we eat.

Our concerns about the effects of EPA's decision is neither partisan nor uninformed. During the Bush Administration, then-Acting EPA Assistant Administrator Bill Wehrum attempted to withdraw the "once in, always in" policy through rulemaking and without analysis. In an internal 2005 EPA document, EPA regional officials stated that withdrawing the "once in, always in" policy would mean "many sources would take limits less stringent than MACT requirements" and the policy change would be "detrimental to the environment and undermine the MACT program."³ The regional EPA officials explained that the policy change would mean major air toxic sources "could virtually avoid regulation and greatly complicate any enforcement against them" and "the cost of the increased [hazardous air pollutant] emissions would be borne by the communities surrounding the sources."⁴ The regional EPA officials were so concerned about revoking the "once in, always in" policy, they stated EPA **should not** make the policy

² https://www.epa.gov/sites/production/files/2017-10/documents/potw_rtr_fsfinal_0.pdf

³ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

⁴ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

change without looking “closely at this issue to determine whether the likely benefits would be greater than the potential environmental costs.”⁵

However, by your own admission, EPA did not closely review – or potentially consider at all – the health effects of this policy change. During the January 30, 2018 hearing before the EPW Committee, Senator Carper asked if EPA did any analysis of the health or environmental effects before deciding to withdraw the “once in, always in” policy through a written memo. You answered, “[T]hat was a decision that was made outside of the Program Office of Air. It was a Policy Office decision.” Based on your answer, we can only assume EPA made this decision without knowing if: more air toxic pollution will be emitted; where increased emissions might be located; and what the impacts of this policy change will be on human health, and state and local communities. You and your team seem to have acted without knowing about the potential health effects of your actions.

By failing to follow the congressional intent of mandatory standards, EPA has instead put American lives at risk in the hope that industry does the right thing on its own. In Assistant Administrator Wehrum’s January 25, 2018, memorandum to EPA Regional Administrators, he stated that changing the “once in, always in” policy will encourage facilities to implement voluntary pollution abatement and prevention efforts. However, we know from history and experience that voluntary innovation and operation improvements by industry do not, alone, reduce this air toxic pollution. That is why Congress overhauled the air toxics provisions of the Clean Air Act almost 30 years ago, requiring compliance with MACT standards.

We believe that it is EPA’s responsibility to provide clear, consistent regulations with the goal of protecting our communities. Withdrawing the longstanding “once in, always in” policy fails this responsibility.

So that we can better understand the rationale and health impacts of the decision to withdraw the “once in, always in” policy, we also ask that you please respond to us in writing with answers to the following questions:

1. In order to understand the potential magnitude of air toxic emissions from this decision, we need to know,
 - a. How many individual facilities in the country were considered a “major source” under Section 112 on January 24, 2018?
 - b. Please identify, as of January 24, 2018, how many of the “major source” facilities identified in question 1(a) had complied with one or more MACT standards with the result being the source no longer emits more than 10 tons per year of any hazardous air pollutant or more than 25 tons per year of any combination of hazardous air pollutants? Please group these facilities by source categories (for example, there were X number of chemical plants meeting a MACT standard that resulted in lower emissions than the major source threshold).
 - c. Please provide state-by-state data and a national total for facilities identified in 1(b).

⁵ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

- d. Please provide the potential maximum amount of pollution increases for all 187 hazardous air pollutants as a result of EPA's decision to revoke the "once in, always in" policy.
 - e. How much additional particulate matter, ozone, lead and other criteria pollution will be added to the atmosphere as a result of revoking the "once in, always in" policy?
2. Under the new memorandum, do you expect any major source facilities in the power plant source category to be eligible to be re-designated as an area source?
3. How many facilities does EPA expect will implement voluntary pollution abatement and prevention efforts, or pursue technological innovations now that the "once in, always in" policy has been revoked? Please group the number of facilities by source category and provide a copy of the modeling data, assumptions and other analysis EPA performed to reach its conclusions.
4. We request all EPA analysis and modeling of the impacts of this policy change, including cancer and other human health effects, environmental effects, effects on state air pollution emissions, cost-benefit analysis, and effects on interstate emissions. If none exists today, we request that EPA complete such analysis and provide a timeline for completion.
5. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the quantification of emission effects (negative or positive) that could result from withdrawing the "once in, always in" policy change.
6. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the impacts on the regulatory implementation costs and benefits for states from withdrawing the "once in, always in" policy change.
7. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding EPA's estimations of how many facilities will no longer continue to reduce hazardous air pollutants by the amounts required by the MACT standard because of this policy change and the justification of that estimation.
8. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the quantification of health effects that could result from withdrawing the "once in, always in" policy change.
9. Please provide all documents produced or obtained by EPA that are dated from January 20, 2017 through January 25, 2018 that contain, relate to, or refer to meetings with any and all stakeholders related to the "once in, always in" policy.
10. The Environmental Protection Agency has said it will seek public comment on withdrawing the "once in, always in" policy.
 - a. Will the agency undertake a rulemaking proposal?
 - b. How long will the public comment period be, and when will a Federal Register notice be published?
 - c. How many public meetings will the EPA hold on this issue? What will be the dates and the locations of these meetings?

Please provide written responses to these questions by April 9, 2018. If you or members of your staff have further questions, please have them contact Laura Gillam at laura_gillam@epw.senate.gov.

Sincerely,



Tom Carper
U.S. Senator



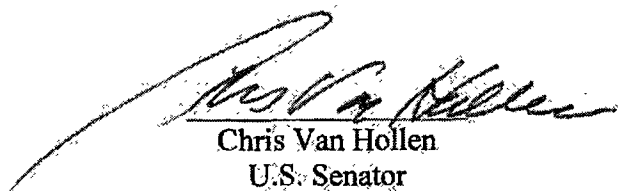
Edward J. Markey
U.S. Senator



Tammy Duckworth
U.S. Senator



Benjamin L. Cardin
U.S. Senator



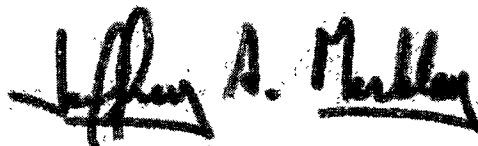
Chris Van Hollen
U.S. Senator



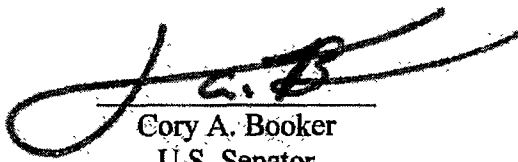
Sheldon Whitehouse
U.S. Senator




Bernard Sanders
U.S. Senator





Jeffrey A. Merkley
U.S. Senator



Cory A. Booker
U.S. Senator


Kirsten Gillibrand
U.S. Senator



Richard J. Durbin
U.S. Senator


Richard Blumenthal
U.S. Senator


Brian Schatz
U.S. Senator


Kamala D. Harris
U.S. Senator


Mazie K. Hirono
U.S. Senator


Dianne Feinstein
U.S. Senator

United States Senate

WASHINGTON, DC 20510

March 12, 2018

The Honorable Scott Pruitt
Administrator
U.S Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Administrator:

We write to express our alarm with the Environmental Protection Agency's (EPA) announcement that it seeks to open up for reconsideration two federal safeguards vital to the protection of the children, women and men that labor in agriculture and apply chemicals in agricultural, commercial and residential settings. With the lives of children and families across the country at stake, we urge you to preserve the protections provided by the final Agricultural Worker Protection Standard rule (WPS) and Certification of Pesticide Applicators rule (CPA) (as published in the Federal Register on November 2, 2015 and January 4, 2017, respectively), and to resolve any clarifications needed by the regulated community via additional guidance on the rules.

We recognize the important role that pesticides play in the United States, particularly in the agricultural sector. However, precautions must be taken to safeguard the public and the most exposed and vulnerable populations from pesticide related illness, injury and death caused by these potentially toxic chemicals. To this end, the EPA finalized revisions to the WPS in the fall of 2015, and the CPA rule in January 2017.

To understand the relevance of these two rules, we must first acknowledge the people whose lives they protect and how their training and wellbeing is inextricably linked to our health and safety. The WPS applies to workers and pesticide handlers that labor in farms, fields, nurseries, greenhouses and forests. The CPA rule governs the training and certification requirements of workers who apply Restricted Use Pesticides (RUPs) in, on, or around settings such as homes, schools, hospitals and industrial establishments. These rules protect not only the workers that handle and are exposed to pesticides, but also areas around agricultural land and the children who may incidentally come in contact with the pesticides. From our homes to children's schools and agricultural operations across the nation, these federal protections safeguard our families and weakening them undermines the health and safety of all.

We are concerned that the EPA is unjustifiably reconsidering the minimum age protections that prohibit children from applying pesticides, the right of farmworkers to access pesticide-application information and Safety Data Sheets (SDS) through a designated representative, and protections for bystanders through "application exclusion zones," which requires that an applicator suspend pesticide application if "an unprotected/non-trained person" enters the area around the application equipment. We strongly feel that undermining these important protections cannot be justified, especially considering that the CPA rule governs the training and certification requirements for using RUPs in, on, or in residential settings, schools, hospitals, and industrial establishments.

RUPs are the most toxic pesticides on the market, and their misuse has resulted in serious harm and death. These pesticides are not available for purchase by the general public because they have "the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions." RUPs can only be used by an individual that is a certified pesticide applicator or is under the direct supervision of a certified applicator. These rules were revised to prevent farmworker poisonings and in the aftermath of pesticide misuse that led to serious harm for hundreds of homeowners and their families, and resulted in the tragic deaths of children. These tragic incidents – all of which could have been prevented with stronger safeguards in place – highlight the significance of ensuring that workers who handle pesticides are adequately trained and understand the hazards posed by the chemicals that they are applying so that they can effectively protect themselves and others from occupational and take-home exposures.

Congress specifically intended for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to protect workers and other persons from occupational exposure directly to pesticides or to their residues. Honoring this mandate is crucial to protecting the health and safety of rural communities and the broader public since it is up to the EPA and not the Occupational Safety and Health Administration to set minimum protections from pesticide exposure. Furthermore, without the life-saving requirements provided by the WPS and CPA rules, there is little to deter the unlawful use of hazardous pesticides since FIFRA only authorizes a misdemeanor charge even when pesticide misuse results in death.

Additionally, the agency is ignoring the advice of the Pesticide Program Dialogue Committee—a broadly representative federal advisory committee—that met to discuss these rules, raised the importance of education for the regulated community while echoing consensus about the preservation of the minimum age requirements, the designated representative provision, and the application exclusion zone to protect workers and bystanders from pesticides.

To set the record straight on misleading concerns about these fundamental requirements:

- The new rules prohibit employers from requiring youth under the age of 18 from applying pesticides or performing "early-entry" work in areas where pesticides were recently applied. This is extremely important because pesticides can impact developing brains and bodies. There are currently half a million children under the age of 18 working in agriculture, including some as young as elementary school age. The minimum age requirement in both rules accounts for the needs of family-owned businesses and operators by exempting immediate family of the owner-operator of agricultural establishments, and private or commercial pesticide applicator businesses. Specifically, "immediate family" is broadly defined to include the "owner's spouse, parents, step parents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins."
- The designated representative provision is critically important because there are many reasons why a worker may be unable to access information about the chemicals that they are exposed to, including but not limited to educational and language barriers as well as immigration status, illness or injury. This commonsense safeguard has been denied to farmworkers while workers in other industries have had these protections for decades. The safety information that would be accessible by a designated representative would be non-confidential, non-proprietary information about the pesticide a worker has been exposed to. There are several examples of injured farmworkers who have been denied access to safety information after injury. These farmworkers should be able to access this information on their own or through a representative that they trust, such as a co-worker, spouse, healthcare provider, union representative, social worker, or attorney.
- The application exclusion zone merely requires the common-sense precaution that if someone is applying pesticides and sees workers or other people around the equipment, they should try to avoid spraying them by suspending the application and resuming after a non-trained and unprotected person leaves the area. EPA does not account for workers or bystanders being sprayed with pesticides when it conducts risk assessments or registration decisions because it "assumes" that these exposures do not happen. Yet it is taking steps to undo one of the most meaningful safeguards against such exposures.

We ask that you protect the health and safety of children, workers, and consumers by preserving the final Agricultural Worker Protection Standard and the Certification of Pesticide Applicators rule. We look forward to receiving your response.

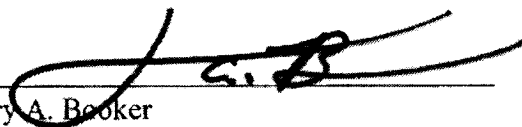
Respectfully,



Tom Udall



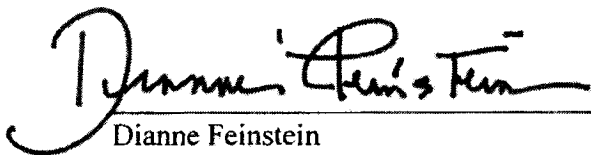
Kamala D. Harris



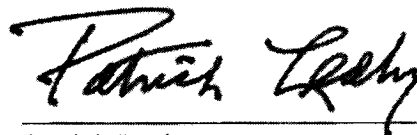
Cory A. Booker



Richard Blumenthal



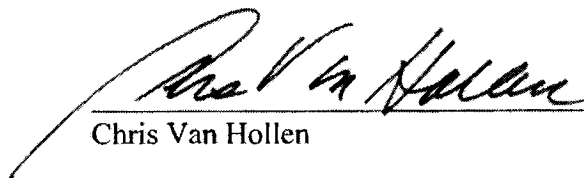
Dianne Feinstein



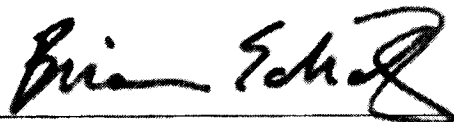
Patrick Leahy



Richard J. Durbin



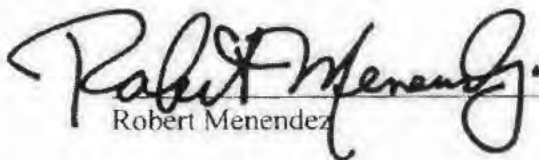
Chris Van Hollen



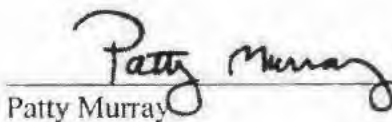
Brian Schatz

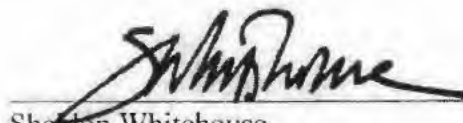


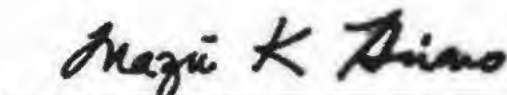
Elizabeth Warren

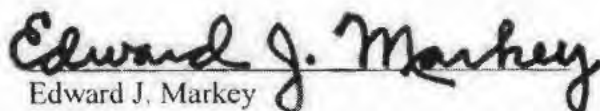

Robert Menendez

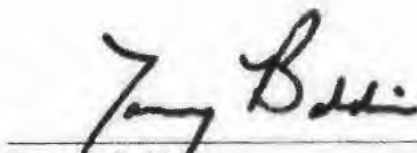

Kirsten Gillibrand


Patty Murray

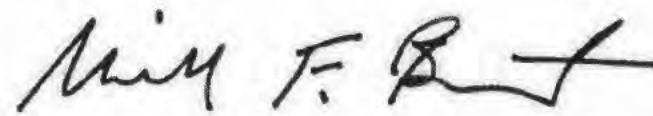

Sheldon Whitehouse



Mazie K. Hirono



Edward J. Markey

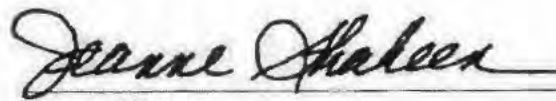

Tammy Baldwin

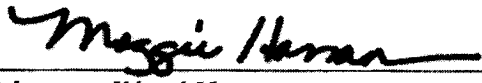

Bernard Sanders


Michael F. Bennet

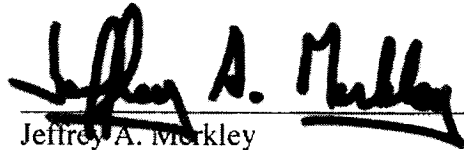

Jack Reed


Ron Wyden

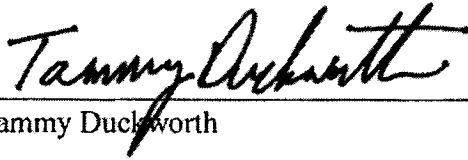

Jeanne Shaheen



Margaret Wood Hassan



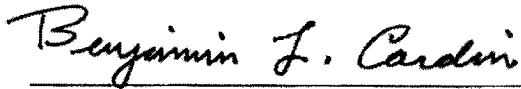
Jeffrey A. Morkley



Tammy Duckworth



Martin Heinrich



Benjamin L. Cardin



Maria Cantwell

United States Senate

WASHINGTON, DC 20510

April 3, 2018

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Re: Draft Final Determination on Vehicle Emissions Standards.

Dear Administrator Pruitt,

We write to express our strong opposition to the revised final determination that would roll back and weaken our long-standing fuel economy emissions standards. These standards save consumers money at the pump; promote energy independence by reducing our reliance on foreign oil, when we still import more than 3.5 million barrels every day;¹ foster innovation and American competitiveness; and protect the environment and public health.

In 2012, the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) worked together with states, automakers, and other experts to establish passenger vehicle fuel economy and greenhouse gas standards for vehicle model years (MY) 2017-2025. These standards will save nearly 2.5 million barrels of oil a day by 2030, reduce greenhouse gas emissions by 6 billion metric tons over the lifespan of the covered vehicles, and save consumers more than \$1 trillion dollars in fuel costs, an average of \$3,000 to \$5,000 over the life of a vehicle purchased in 2025. For the second half of these standards, from MY 2022-2025, EPA agreed to undertake a Mid-Term Evaluation (MTE) on whether they should strengthen, loosen, or maintain the current standards.

EPA was required to issue a Final Determination on whether the standards are appropriate by April 1, 2018. EPA, NHTSA, and the California Air Resources Board (CARB) issued a Draft Technical Assessment Report in July 2016 that found the existing MY2022-2025 standards could be met.² EPA's proposed determination, released in November 2016, reemphasized that the standards were appropriate and that no additional rulemaking was needed.³ This determination was finalized in January 2017.⁴

¹ U.S. Net Imports of Crude Oil and Petroleum Products, U.S. Energy Information Administration.
<https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MTINTUS2&f=M>

² EPA-420-D-16-900 (July 2016)

³ EPA-420-R-16-020 (November 2016)

⁴ EPA-420-R-17-000 (January 2017)

Despite the significant amount of expert analysis, stakeholder engagement, and agency expertise that went into this final determination, you decided to revisit this decision and issue a second final determination for MY2022-2025 vehicle emissions standards. In your announcement, you said the previous determination was “wrong” and “set the standards too high.”⁵

These weakened fuel economy emissions standards will force Americans to forgo many of the benefits of the originally agreed upon standards: consumers will pay more at the pump, the United States will import more oil, and the country will emit more greenhouse gases. You are also leaving automakers and consumers exposed to regulatory uncertainty.

We request your response by April 20, 2018 to the following questions about your reconsideration of the January 2017 final determination and the process by which you decided to reopen this rulemaking:

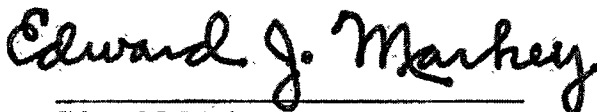
1. How did the EPA arrive at a conclusion that the fuel economy standards are no longer technologically feasible, a conclusion which contradicts the 2016 719-page TAR and the extensive process underlying the January 2017 MTE?
2. What specifically within the EPA's January 2017 final determination did you think was inaccurate enough to warrant reopening the MTE?
3. Did EPA calculate how much additional money consumers would spend on gas as a result of your decision to weaken the MY2022-2025 standards? If yes, please detail the methodology, and if no, please provide an explanation as to why you did not do this analysis.
4. Did EPA consider how the proposed changes to the January 2017 final determination will affect the amount of oil imported into the United States? If yes, please detail the methodology, and if no, please provide an explanation as to why you did not do this analysis.
5. Did EPA consider how the proposed changes to the January 2017 final determination will affect the number of jobs in the fuel efficiency industry? If yes, please detail the methodology, and if no, please provide an explanation as to why you did not do this analysis.
6. Did EPA consider how the proposed changes to the January 2017 final determination will increase greenhouse gas emissions? If yes, please detail the methodology, and if no, please provide an explanation as to why you did not do this analysis.
7. Please detail all changes that were made to the inputs and execution of the modeling of possible technology pathways in your decision to reconsider the January 2017 final determination compared to the 2017 final determination itself.
8. Please detail all meetings you had with the auto industry and its representatives that dealt with the subject of these standards. Please provide copies of all documents (memos, reports, analyses, talking points, emails) you received from the auto industry and its representatives on this subject.

⁵ EPA Administrator Pruitt: GHG Emissions Standards for Cars and Light Trucks Should Be Revised, U.S. Environmental Protection Agency (April 2, 2018), <https://www.epa.gov/newsreleases/epa-administrator-pruitt-ghg-emissions-standards-cars-and-light-trucks-should-be>

9. Please detail all meetings you had with the oil industry and its representatives that dealt with this subject. Please provide copies of all documents (memos, reports, analyses, talking points, emails) you received from the oil industry and its representatives on this subject.

It is extremely troubling to us that EPA would seemingly bend to industry pressure and overturn an agreement that the auto industry had itself once supported. The current MY 2022-2025 fuel economy emissions standards deliver savings to consumers, protect the environment, and promote national security through energy independence. Your answers to the questions above are necessary to help us and the public understand why you appear to oppose these important objectives.

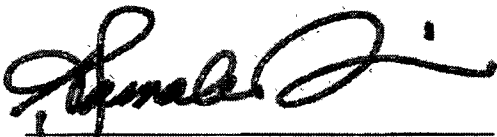
Sincerely,



Edward J. Markey
U.S. Senator



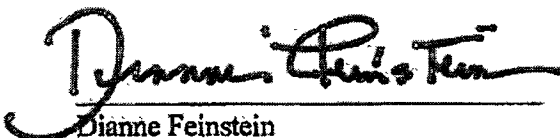
Sheldon Whitehouse
U.S. Senator



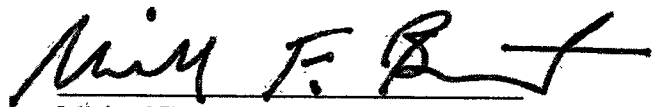
Kamala D. Harris
U.S. Senator



Richard Blumenthal
U.S. Senator



Dianne Feinstein
U.S. Senator



Michael Bennet
U.S. Senator

United States Senate

WASHINGTON, DC 20510

April 13, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write regarding the serious public health concerns related to groundwater contamination from Per- and Polyfluoroalkyl Substances (PFAS) in communities and on Department of Defense (DOD) installations across our states, and to urge you to take swift action to address these concerns.

Some of these chemicals are included in the manufacture of aqueous film forming foam (AFFF), which has been used in training exercises and to extinguish fires in places such as commercial airports and military installations. Two types of PFAS, Perfluorooctanoic Acid (PFOA) and Perfluorooctyl Sulfonate (PFOS), are included on the Environmental Protection Agency's (EPA) Contaminant Candidate List (CCL), which lists potentially harmful contaminants, but does not require them to be regulated under the Safe Drinking Water Act.


In 2016, the EPA established a lifetime health advisory (LHA) of 70 parts per trillion for concentrations of PFOA and PFOS in drinking water. However, the LHA is not legally enforceable and cannot be used to determine remediation responsibilities and transfers of surplus DOD property under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At this time, a handful of states have established their own cleanup standards that are more stringent than those under the LHA. While we applaud these states for taking action, we are concerned that the EPA has not yet declared a federal maximum contaminant level (MCL). A science-based MCL would provide a clear and enforceable nationwide standard for permissible levels of these contaminants. An MCL would also inform remediation decisions for sites under CERCLA. DOD has identified military installations for cleanup and remediation, yet is unable to move forward under CERCLA without an MCL. DOD has also highlighted the need for the Office of Land and Emergency Management to determine a cleanup number, which we strongly support. Without an MCL and cleanup number, the unintended result is that many military communities across the country remain in limbo.

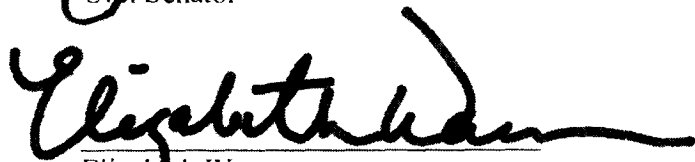
In December 2017, the EPA announced a cross-agency effort to address PFAS contamination, saying that it would "build on the work that the Agency has done to establish non-regulatory drinking water health advisories for PFOA and PFOS." While we are encouraged that the agency recently announced its intention to convene a National Leadership Summit on PFAS, more urgent action is still needed. We urge you, as a part of your efforts, to expeditiously declare an MCL for all PFAS, based on rigorous scientific evidence, as well as a cleanup number from the Office of Land and Emergency Management. This will provide all states, and our local communities, with much-needed certainty to move forward on remediation activities and protection regimes for drinking water systems.

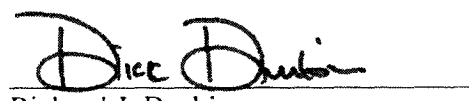
Thank you for your prompt attention to this important matter.


Sincerely,

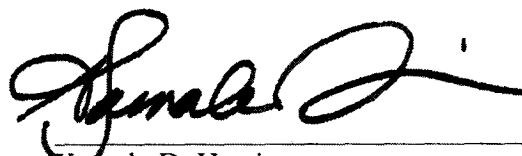

Jack Reed
U.S. Senator


Debbie Stabenow
U.S. Senator

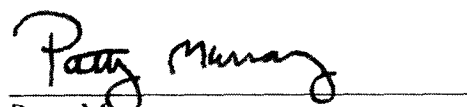

Elizabeth Warren
U.S. Senator



Richard J. Durbin
U.S. Senator

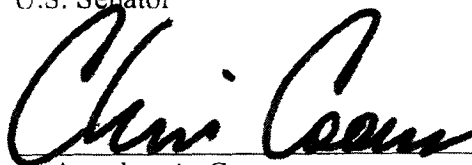

Joe Manchin III
U.S. Senator



Kamala D. Harris
U.S. Senator



Kirsten Gillibrand
U.S. Senator

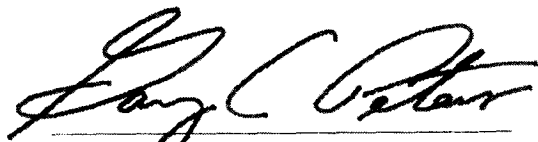

Patty Murray
U.S. Senator

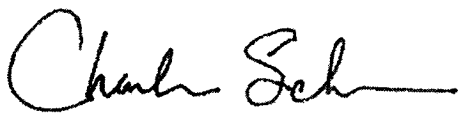

Thomas R. Carper
U.S. Senator

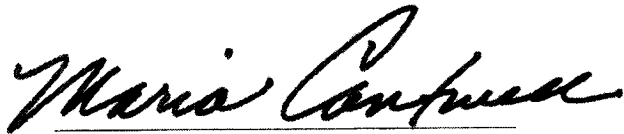

Christopher A. Coons
U.S. Senator


Robert P. Casey, Jr.
U.S. Senator


Tammy Duckworth
U.S. Senator


Gary C. Peters
U.S. Senator


Charles E. Schumer
U.S. Senator



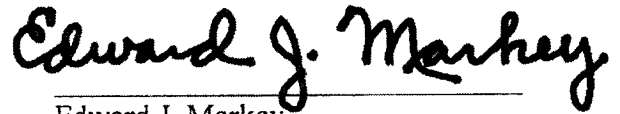
Maria Cantwell
U.S. Senator



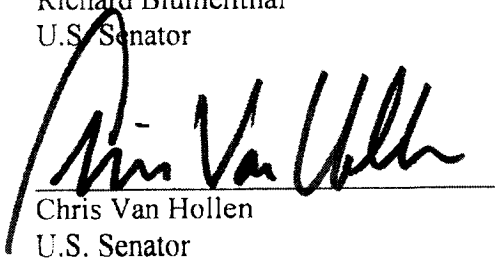
Bernard Sanders
U.S. Senator



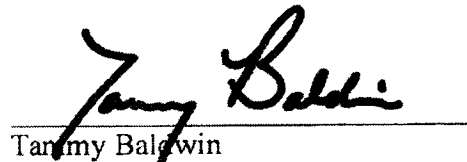
Richard Blumenthal
U.S. Senator



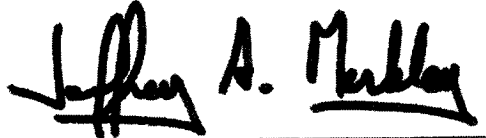
Edward J. Markey
U.S. Senator



Chris Van Hollen
U.S. Senator



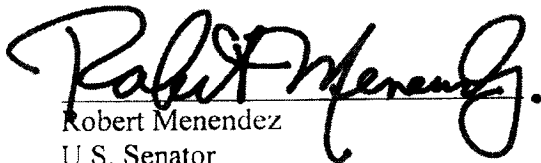
Tammy Baldwin
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



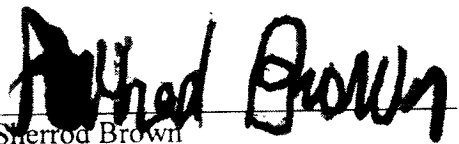
Margaret Wood Hassan
U.S. Senator



Robert Menendez
U.S. Senator



Jeanne Shaheen
U.S. Senator



Sherrod Brown
U.S. Senator

cc'd from HQ

Congress of the United States
Washington, DC 20510

AL-18-000-4748

February 23, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We strongly urge the U.S. Environmental Protection Agency (EPA) to withdraw its proposed denial and instead grant Connecticut's petition under Section 126 of the Clean Air Act regarding the Brunner Island Steam Electric Station and expeditiously provide Connecticut with long sought after relief from dirty, downwind air pollution. Connecticut has long been adversely impacted by trans-border air pollution, often directly causing our state to exceed EPA ozone and other pollutant limits – the very type of pollution emitted by Brunner Island Station.

Congress recognized the need for the EPA to step in and address pollution sources in one state that adversely impact another. Because a harmed state has no authority to regulate pollution sources located in another jurisdiction, under the Clean Air Act, Congress provided the EPA with the critical statutory duty to address trans-border pollution. Timely, effective EPA action is required in order for the agency to appropriately carry out this important responsibility.

As you know, the Clean Air Act requires EPA to set national ambient air quality standards to protect public health and welfare. In cases where a large stationary source, or group of such sources, emits air pollution significantly contributing to air quality problems in another downwind state, Section 126 of the Clean Air Act permits the downwind state to petition EPA to require that the original out-of-state source or group of sources comply with emission controls or cease operations.

In June 2016, Connecticut filed a petition concerning pollution emitted by the Brunner Island Steam Electric Station, a coal-fired power plant that produces cheap, dirty power in York Haven, Pennsylvania. The prevailing winds from Brunner Island Station often bring harmful air pollution downwind into Connecticut, contributing to serious regional public health risks.

Specifically, air pollution from Brunner Island Station has resulted in increased concentrations of ground-level ozone in Connecticut. EPA has linked ozone exposure to reduced lung function, increased asthma attacks, and even higher risk of premature death. The pollution load also adds economic costs for local businesses to compensate for the out-of-state contribution, and has fundamentally interfered with Connecticut's ability to comply with the 2008 National Ambient Air Quality Standards (NAAQS). Additionally, while EPA expects Brunner Island Station to only burn natural gas going forward, there is no legally enforceable requirement that prevents it from switching back to coal prior to the summer of 2023 –should a recent proposed consent decree take effect.

Under the plain language of Section 126, EPA is required to respond to a petition within 60 days. It is unacceptable that EPA failed to respond to Connecticut's petition until now—a clear violation of the time period intended by the U.S. Congress. It is equally unacceptable that at this late date, EPA now proposes to deny the petition without providing an enforceable remedy to address Connecticut's air pollution problem.

Air pollution does not respect state lines nor the health and economic consequences that come along with it. As such, we urge you to immediately provide Connecticut with relief by approving the Section 126 petition, and requiring the Brunner Island Station to eliminate its harmful emissions contributing to ozone transported into Connecticut.

Thank you for your attention to this important matter.

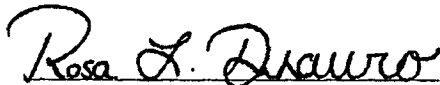
Sincerely,



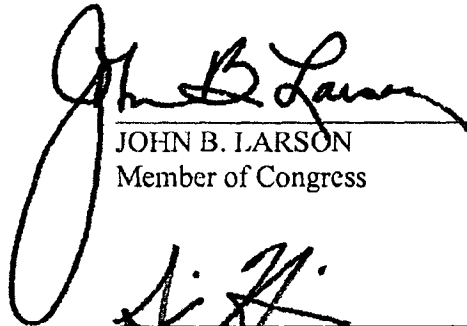
RICHARD BLUMENTHAL
United States Senate



CHRISTOPHER S. MURPHY
United States Senate



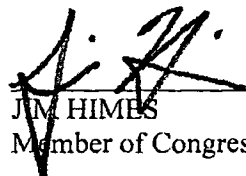
ROSA DeLAURO
Member of Congress



JOHN B. LARSON
Member of Congress



JOE COURTNEY
Member of Congress



JIM HIMES
Member of Congress



ELIZABETH H. ESTY
Member of Congress

United States Senate

WASHINGTON, DC 20510

May 15, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

We are writing in response to a troubling report¹ that officials from the White House, Office of Management and Budget, Environmental Protection Agency (EPA) and Department of Defense (DOD) intervened in order to delay the release of a study by the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry (ATSDR) concerning the health effects of perfluoroalkyl substances (PFAS). The unreleased HHS assessment reportedly concludes that those chemicals pose a danger to human health at a far lower level than EPA has previously said was safe. If this report is accurate and administration officials sought to suppress release of critical public health information in the interest of avoiding a "public relations nightmare," it is an unacceptable failure of leadership and a failure to protect public health.

Perfluoroalkyl substances, or PFAS, are a class of toxic chemicals affecting communities across the nation. These chemical substances are linked to certain cancers and other serious adverse health effects. They are often used to manufacture products like fabric protectors, firefighting foam, and stain repellents due to rigorous chemical properties that also make them persistent in the environment and resistant to degradation.

ATSDR is directed by Congressional mandate to perform specific functions concerning the effect on public health of hazardous substances in the environment, including health consultations concerning specific hazardous substances. According to internal EPA emails that were released to the Union of Concerned Scientists under the Freedom of Information Act, on January 30, 2018, a political appointee who oversees environmental issues at the White House Office of Management and Budget, forwarded an email from another White House aide about the ATSDR's PFAS report to the Environmental Protection Agency's (EPA) top financial officer, which stated:

"The public, media, and Congressional reaction to these numbers is going to be huge...The impact to EPA and DoD is going to be extremely painful. We (DoD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be."

The ATSDR report still has not been publicly released. Given the scope of the contamination nationwide and the ongoing exposure of communities across the United States to these chemicals, it is imperative that the public receive an opportunity to review the ATSDR report. Therefore, we request that you release the draft report immediately. We also request that you

¹ <https://www.politico.com/story/2018/05/14/emails-white-house-interfered-with-science-study-536950>

provide our offices with all internal documents and communications in your agency's possession regarding any internal deliberations or discussion about this report within 10 business days.

Thank you for your attention to this matter, and we look forward to receiving your response soon.

Sincerely,



Kirsten Gillibrand
United States Senator



Thomas R. Carper
United States Senator



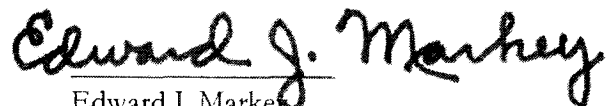
Charles E. Schumer
United States Senator



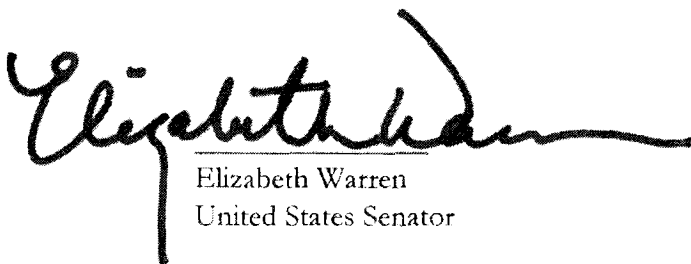
Debbie Stabenow
United States Senator



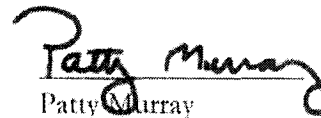
Jeanne Shaheen
United States Senator



Edward J. Markey
United States Senator



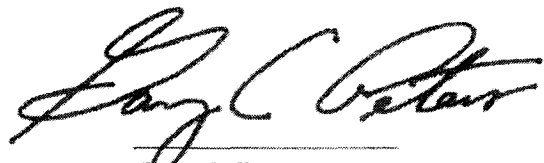
Elizabeth Warren
United States Senator



Patty Murray
United States Senator



Bernard Sanders
United States Senator



Cory C. Peters
United States Senator

A handwritten signature in black ink, reading "Maggie Hassan" with a long horizontal flourish at the end.

Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

May 14, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to respectfully request the Environmental Protection Agency (EPA) extend the comment deadline to July 30, 2018 on the proposed rule "Strengthening Transparency in Regulatory Science," docket number EPA-HQ-OA-2018-0259, and hold one or more public hearings.

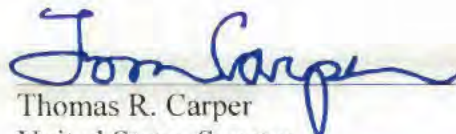
This proposed rule is expected to have a significant effect on the types and number of scientific studies EPA considers during rulemaking. The rule also implicates patient privacy. With these concerns in mind, many public health groups, including the American Lung Association, the American Medical Association, the American Academy of Pediatrics, the American College of Preventive Medicine, the American Thoracic Society, and the American Public Health Association, have similarly requested an extension of the comment deadline and public hearings.

EPA would be well served by giving stakeholders adequate time to draft and submit thorough, well-reasoned comments and by conducting at least one hearing to hear public feedback. Doing so will help ensure that EPA receives the highest quality comments from the broadest array of stakeholders.

Sincerely,



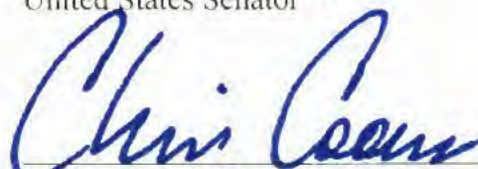
Sheldon Whitehouse
United States Senator



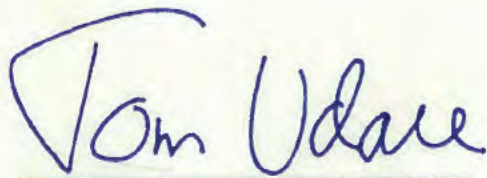
Thomas R. Carper
United States Senator



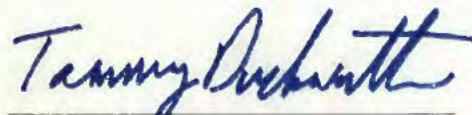
Tammy Baldwin
United States Senator



Christopher A. Coons
United States Senator



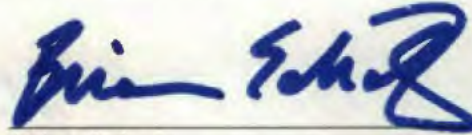
Tom Udall
United States Senator



Tammy Duckworth
United States Senator



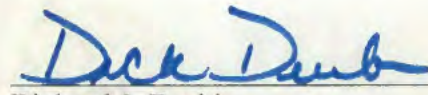
Margaret Wood Hassan
United States Senator



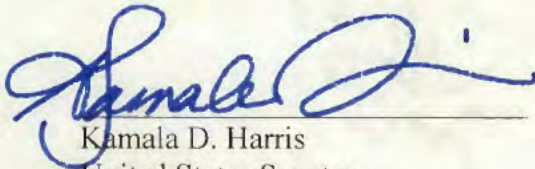
Brian Schatz
United States Senator



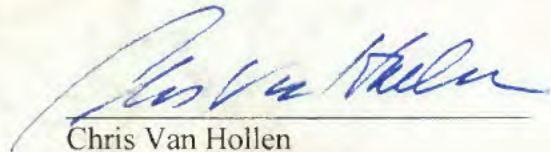
Mazie Hirono
United States Senator



Richard J. Durbin
United States Senator



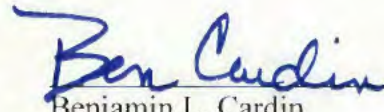
Kamala D. Harris
United States Senator



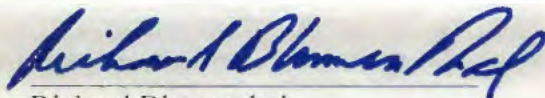
Chris Van Hollen
United States Senator



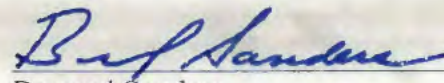
Debbie Stabenow
United States Senator



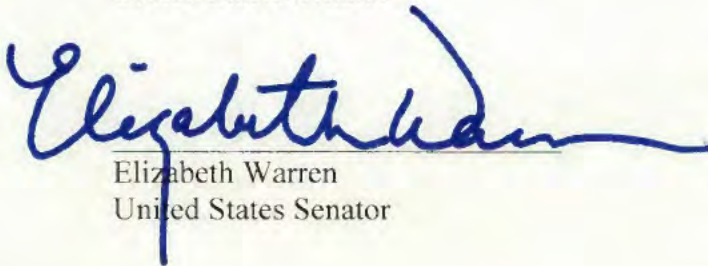
Benjamin L. Cardin
United States Senator



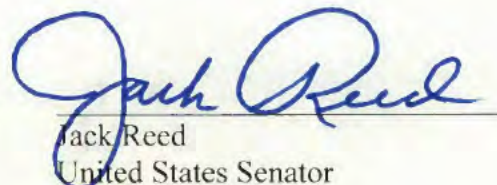
Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



Jack Reed
United States Senator

Edward J. Markey

Edward J. Markey
United States Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

United States Senate

WASHINGTON, DC 20510

June 29, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write today to thank the Environmental Protection Agency (EPA) for hosting the first per- and polyfluoroalkyl substances (PFAS) community engagement event in Exeter, New Hampshire.

Granite Staters have been national leaders in advocating for the health and safety of their families and neighbors, and this productive forum was an important first step in ensuring that communities impacted by PFAS contamination have a seat at the table and an opportunity for their voices to be heard. We are hopeful that the EPA will take the concerns and recommendations that were raised by community leaders, as well as state and local officials, to help inform future meaningful federal action on these chemicals. This includes advancing conversations and solutions that consider the entire class of PFAS chemicals.

As you know, PFAS contamination in drinking water is an issue not only in our home state of New Hampshire, but across the country. It is critical for the EPA to take immediate action to protect citizens from further contamination and ensure that responsible parties are held liable for addressing any resulting health and safety concerns.

In order to address this problem, the EPA has said it is "beginning the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." By doing so, PFAS will be covered under the EPA's CERCLA, and therefore require responsible parties to be held accountable for any future release. It is appropriate that the EPA evaluates the necessary steps for such a designation, which has support throughout communities affected by PFAS contamination, and we respectfully request additional information about the steps and timeline the EPA is taking to consider this proposal.

As EPA staff travels to other communities impacted by PFAS contamination, we encourage the agency to continue listening, and to not lose sight of the urgent need to move forward in protecting our citizens and our natural resources from these toxic chemicals. Hosting similar events in other regions of the country is important, but we hope that the agency will take action

to address PFAS concurrently with future engagement events instead of waiting until they are all completed.

Thank you for your attention to this matter. We look forward to hearing more about what next steps the EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,

A handwritten signature in black ink, appearing to read "Maggie Hassan", written over a horizontal line.

Margaret Wood Hassan
United States Senator

A handwritten signature in black ink, appearing to read "Jeanne Shaheen", written over a horizontal line.

Jeanne Shaheen
United States Senator

United States Senate

WASHINGTON, DC 20510

July 12, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

As you take on your new responsibilities as Acting Administrator of the Environmental Protection Agency (EPA), we write to voice our continued concerns on an issue that is particularly critical in our home state of New Hampshire but is also impacting communities across the country.

As you know, per and polyfluoroalkyl substances (PFAS) contamination in drinking water continues to be a serious health hazard. Once used for a variety of commercial and industrial applications, PFAS chemicals have been associated with birth defects, various forms of cancer and immune system dysfunction. While EPA has established drinking water health advisory levels for two PFAS chemicals, perfluorooctanoic acid or perfluorooctanesulfonic acid, there is a critical need to better understand and address any potential adverse health effects these contaminants may have on our communities and to continue evaluating existing standards.

We have written former Administrator Pruitt many times to object to agency actions we believe would stymie EPA's ability to effectively regulate PFAS materials under the Toxic Substances Control Act, or promulgate new drinking water health advisories or standards for PFAS chemicals, as required by the Safe Drinking Water Act. Further details can be found in the enclosed correspondence. Furthermore, we are deeply troubled by reports that EPA officials intervened in order to delay the release of toxicological studies conducted by the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry concerning the health effects of four PFAS chemicals.

As the lead federal agency tasked with protecting human health and the environment, EPA must reassure Americans that the agency's decisions are in their best interest and not a result of industry pressure or political influence. As you step into your new role, we request that you take the appropriate steps necessary to understand and address the PFAS contamination problem facing the nation.

We also urge you to continue EPA's initiative to develop a PFAS Management Plan that will improve the characterization of risks from these chemicals, refine PFAS monitoring and remediation techniques and support the work being done at the state and local levels to address


widespread contamination. In doing so, we encourage you to provide additional community engagement forums on PFAS, similar to the one held last month in Exeter, New Hampshire. Incorporating the concerns and recommendations voiced during these meetings will be integral to ensuring that federal policies on PFAS have positive state and local effects.

It is imperative that the change in leadership at the EPA does not interrupt the agency's efforts to protect our citizens from further contamination, efforts that still need to be strengthened, expanded, and accelerated. We respectfully request that you respond to the following items within thirty days. Please provide:

- A clear description of how you plan to improve the EPA's response to PFAS contamination;
- A plan for how your agency will build on its recent efforts — which included a PFAS Summit in New Hampshire—to make the EPA and yourself available to Granite Staters as they address the impact of these contaminants;
- A plan for EPA's further community engagement in New Hampshire so that Granite Staters can have direct input and the opportunity to have their voices heard;
- A description of what is being done to advance solutions to this challenge that considers the entire class of PFAS and not just individual chemicals;
- A further description of what EPA is doing to, in its words, to begin "the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." This description should include your estimate of when the EPA will make such a determination.

Thank you for your attention to this matter. We look forward to hearing from you about what next steps EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,



Margaret Wood Hassan
United States Senator



Jeanne Shaheen
United States Senator

Enclosures

United States Senate

WASHINGTON, DC 20510

December 6, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our concern about your decision to re-open EPA's midterm evaluation for the light-duty vehicle emissions rule for MY 2022-2025. We also object strenuously to revisiting the standards set for 2021, which were never supposed to be a part of the mid-term evaluation. The agency has used the best-available science, in consultation with other federal and state agencies and the auto industry, to conclude that these emissions standards are feasible and achievable. We therefore urge you to not weaken the emissions standards for model years 2021 and 2022 through 2025.

As a part of this mid-term evaluation, EPA, NHTSA, and the California Air Resources Board released a joint Technical Assessment Report (TAR) in 2016, which was based on years of analysis, tear down studies, and engine mapping. The report included significant stakeholder input, both from industry and NGOs. The TAR showed that the automakers have the technical ability to meet the existing MY 2022-2025 standards by relying mostly on incremental improvements to conventional vehicle technologies. The TAR also found that these standards were cost-effective and would provide significant benefits to consumers. Using the robust analysis in the TAR as well as stakeholder input on the TAR, EPA released a proposed determination that the MY 2022-2025 standards are appropriate. In concluding that no changes to the standard were necessary, EPA also reaffirmed that the rule provides significant public health and climate benefits.

In February, however, shortly after you were confirmed as Administrator, the Alliance of Automobile Manufacturers, which represents 12 automakers including GM, Ford, Toyota and Volvo, sent you a letter asking that you re-open the mid-term evaluation and you granted their request. The mission of the EPA is to protect human health and the environment. Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits.

Since these standards first began to be implemented the U.S. auto industry has added 700,000 jobs and had all-time record for sales in both 2015 and 2016. Additionally, independent analysis done by the non-profit organization Ceres, which represents investors and businesses, found that these fuel economy emissions standards provide automakers and their suppliers the certainty they need to add investment toward advanced technologies like electric vehicles and more efficient technologies. Ceres also found that the rule is needed for the long-term health of the industry. Also, earlier this year, the International Council on Clean Transportation released a technology assessment report that found that in some scenarios the technology costs to meet the MY2025 standard is 30% to 40% lower than what EPA and NHTSA projected. The public has benefitted

as well – consumers have saved over \$42 billion at the pump and mitigated 195 million metric tons of global warming emissions, according to the EPA.

We urge you not to weaken these vehicle emissions standards, and allow the auto industry to ensure its continued success and further its innovation while maintaining a standard that brings clear public health, climate, and consumer benefits. As you move to reevaluate the sound technical conclusions your agency reached last year in the mid-term evaluation, we expect you will consider the facts, the science, and the law, which all lead to the single conclusion that the standards are achievable.

We will be monitoring this review process and look forward to working with you on this issue.

Sincerely,



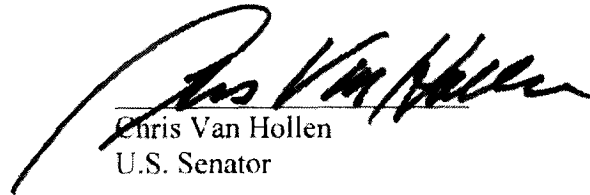
Edward J. Markey
U.S. Senator



Sheldon Whitehouse
U.S. Senator



Kamala D. Harris
U.S. Senator



Chris Van Hollen
U.S. Senator



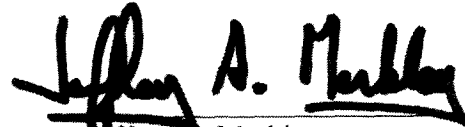
Al Franken
U.S. Senator



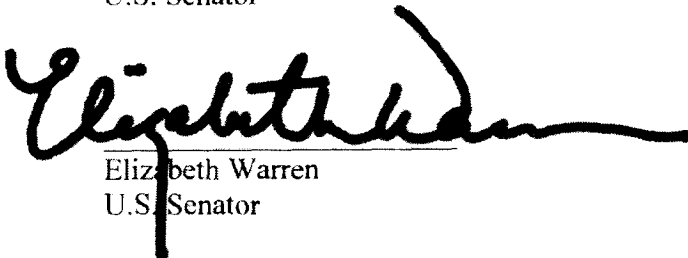
Margaret Wood Hassan
U.S. Senator



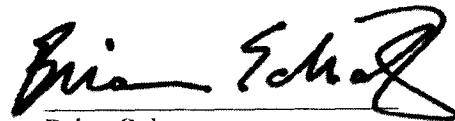
Ron Wyden
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



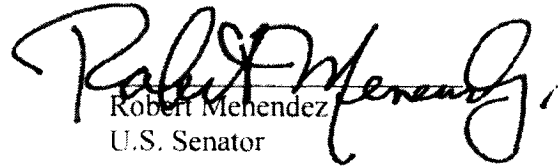
Elizabeth Warren
U.S. Senator



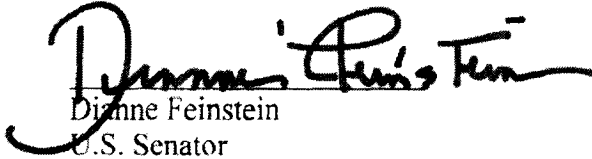
Brian Schatz
U.S. Senator



Maria Cantwell
U.S. Senator



Robert Menendez
U.S. Senator



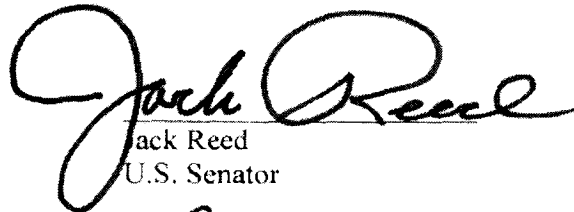
Dianne Feinstein
U.S. Senator



Benjamin L. Cardin
U.S. Senator



Tom Udall
U.S. Senator



Jack Reed
U.S. Senator



Richard Blumenthal
U.S. Senator



Bill Nelson
U.S. Senator



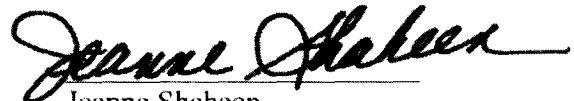
Richard J. Durbin
U.S. Senator



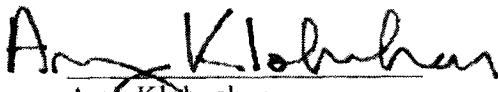
Kirsten Gillibrand
U.S. Senator



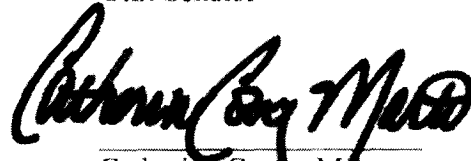
Bernard Sanders
U.S. Senator



Jeanne Shaheen
U.S. Senator



Amy Klobuchar
U.S. Senator



Catherine Cortez Masto
U.S. Senator

Cc: The Honorable Elaine L. Chao, Secretary, U.S. Department of Transportation

United States Senate

WASHINGTON, DC 20510

March 12, 2018

The Honorable Scott Pruitt
Administrator
U.S Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Administrator:

We write to express our alarm with the Environmental Protection Agency's (EPA) announcement that it seeks to open up for reconsideration two federal safeguards vital to the protection of the children, women and men that labor in agriculture and apply chemicals in agricultural, commercial and residential settings. With the lives of children and families across the country at stake, we urge you to preserve the protections provided by the final Agricultural Worker Protection Standard rule (WPS) and Certification of Pesticide Applicators rule (CPA) (as published in the Federal Register on November 2, 2015 and January 4, 2017, respectively), and to resolve any clarifications needed by the regulated community via additional guidance on the rules.

We recognize the important role that pesticides play in the United States, particularly in the agricultural sector. However, precautions must be taken to safeguard the public and the most exposed and vulnerable populations from pesticide related illness, injury and death caused by these potentially toxic chemicals. To this end, the EPA finalized revisions to the WPS in the fall of 2015, and the CPA rule in January 2017.

To understand the relevance of these two rules, we must first acknowledge the people whose lives they protect and how their training and wellbeing is inextricably linked to our health and safety. The WPS applies to workers and pesticide handlers that labor in farms, fields, nurseries, greenhouses and forests. The CPA rule governs the training and certification requirements of workers who apply Restricted Use Pesticides (RUPs) in, on, or around settings such as homes, schools, hospitals and industrial establishments. These rules protect not only the workers that handle and are exposed to pesticides, but also areas around agricultural land and the children who may incidentally come in contact with the pesticides. From our homes to children's schools and agricultural operations across the nation, these federal protections safeguard our families and weakening them undermines the health and safety of all.

We are concerned that the EPA is unjustifiably reconsidering the minimum age protections that prohibit children from applying pesticides, the right of farmworkers to access pesticide-application information and Safety Data Sheets (SDS) through a designated representative, and protections for bystanders through "application exclusion zones," which requires that an applicator suspend pesticide application if "an unprotected/non-trained person" enters the area around the application equipment. We strongly feel that undermining these important protections cannot be justified, especially considering that the CPA rule governs the training and certification requirements for using RUPs in, on, or in residential settings, schools, hospitals, and industrial establishments.

RUPs are the most toxic pesticides on the market, and their misuse has resulted in serious harm and death. These pesticides are not available for purchase by the general public because they have "the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions." RUPs can only be used by an individual that is a certified pesticide applicator or is under the direct supervision of a certified applicator. These rules were revised to prevent farmworker poisonings and in the aftermath of pesticide misuse that led to serious harm for hundreds of homeowners and their families, and resulted in the tragic deaths of children. These tragic incidents – all of which could have been prevented with stronger safeguards in place – highlight the significance of ensuring that workers who handle pesticides are adequately trained and understand the hazards posed by the chemicals that they are applying so that they can effectively protect themselves and others from occupational and take-home exposures.

Congress specifically intended for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to protect workers and other persons from occupational exposure directly to pesticides or to their residues. Honoring this mandate is crucial to protecting the health and safety of rural communities and the broader public since it is up to the EPA and not the Occupational Safety and Health Administration to set minimum protections from pesticide exposure. Furthermore, without the life-saving requirements provided by the WPS and CPA rules, there is little to deter the unlawful use of hazardous pesticides since FIFRA only authorizes a misdemeanor charge even when pesticide misuse results in death.

Additionally, the agency is ignoring the advice of the Pesticide Program Dialogue Committee—a broadly representative federal advisory committee—that met to discuss these rules, raised the importance of education for the regulated community while echoing consensus about the preservation of the minimum age requirements, the designated representative provision, and the application exclusion zone to protect workers and bystanders from pesticides.

To set the record straight on misleading concerns about these fundamental requirements:

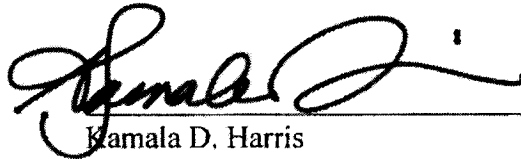
- The new rules prohibit employers from requiring youth under the age of 18 from applying pesticides or performing "early-entry" work in areas where pesticides were recently applied. This is extremely important because pesticides can impact developing brains and bodies. There are currently half a million children under the age of 18 working in agriculture, including some as young as elementary school age. The minimum age requirement in both rules accounts for the needs of family-owned businesses and operators by exempting immediate family of the owner-operator of agricultural establishments, and private or commercial pesticide applicator businesses. Specifically, "immediate family" is broadly defined to include the "owner's spouse, parents, step parents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins."
- The designated representative provision is critically important because there are many reasons why a worker may be unable to access information about the chemicals that they are exposed to, including but not limited to educational and language barriers as well as immigration status, illness or injury. This commonsense safeguard has been denied to farmworkers while workers in other industries have had these protections for decades. The safety information that would be accessible by a designated representative would be non-confidential, non-proprietary information about the pesticide a worker has been exposed to. There are several examples of injured farmworkers who have been denied access to safety information after injury. These farmworkers should be able to access this information on their own or through a representative that they trust, such as a co-worker, spouse, healthcare provider, union representative, social worker, or attorney.
- The application exclusion zone merely requires the common-sense precaution that if someone is applying pesticides and sees workers or other people around the equipment, they should try to avoid spraying them by suspending the application and resuming after a non-trained and unprotected person leaves the area. EPA does not account for workers or bystanders being sprayed with pesticides when it conducts risk assessments or registration decisions because it "assumes" that these exposures do not happen. Yet it is taking steps to undo one of the most meaningful safeguards against such exposures.

We ask that you protect the health and safety of children, workers, and consumers by preserving the final Agricultural Worker Protection Standard and the Certification of Pesticide Applicators rule. We look forward to receiving your response.

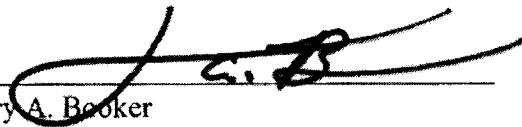
Respectfully,



Tom Udall



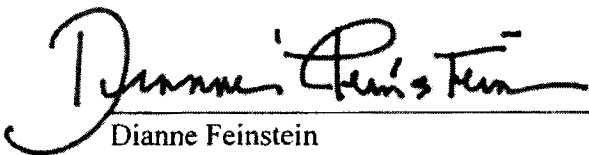
Kamala D. Harris



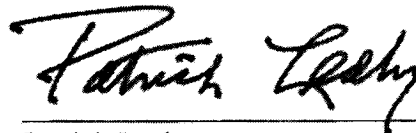
Cory A. Booker



Richard Blumenthal



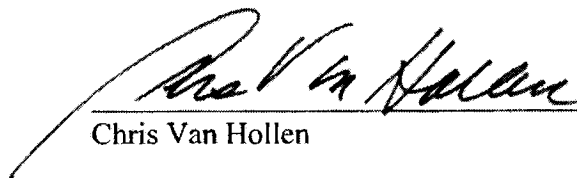
Dianne Feinstein



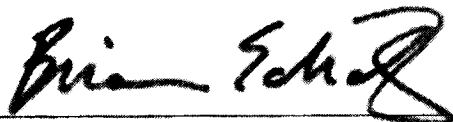
Patrick Leahy



Richard J. Durbin



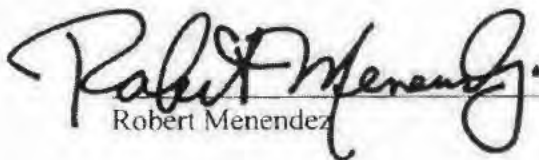
Chris Van Hollen



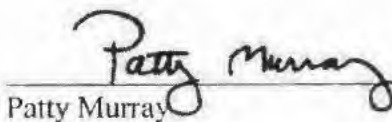
Brian Schatz

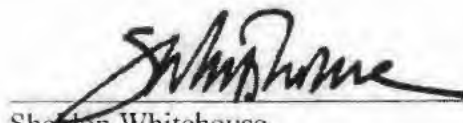


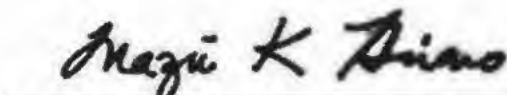
Elizabeth Warren

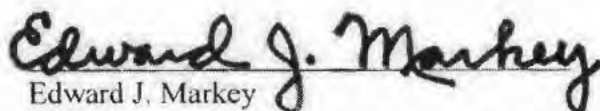

Robert Menendez

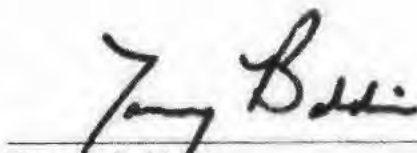

Kirsten Gillibrand


Patty Murray

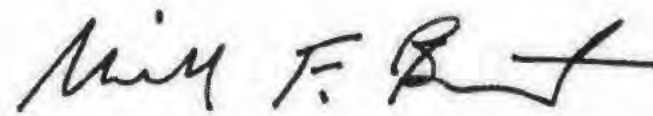

Sheldon Whitehouse



Mazie K. Hirono



Edward J. Markey

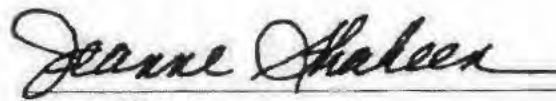

Tammy Baldwin

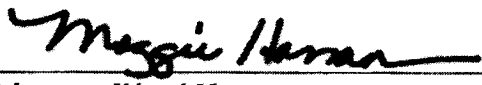

Bernard Sanders


Michael F. Bennet

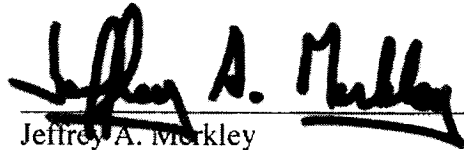

Jack Reed


Ron Wyden

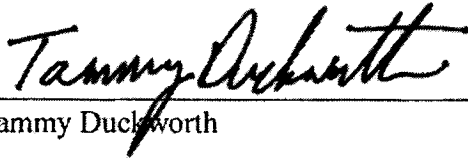

Jeanne Shaheen



Margaret Wood Hassan



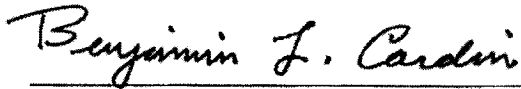
Jeffrey A. Morkley



Tammy Duckworth



Martin Heinrich



Benjamin L. Cardin



Maria Cantwell

United States Senate

WASHINGTON, DC 20510

April 13, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write regarding the serious public health concerns related to groundwater contamination from Per- and Polyfluoroalkyl Substances (PFAS) in communities and on Department of Defense (DOD) installations across our states, and to urge you to take swift action to address these concerns.

Some of these chemicals are included in the manufacture of aqueous film forming foam (AFFF), which has been used in training exercises and to extinguish fires in places such as commercial airports and military installations. Two types of PFAS, Perfluorooctanoic Acid (PFOA) and Perfluorooctyl Sulfonate (PFOS), are included on the Environmental Protection Agency's (EPA) Contaminant Candidate List (CCL), which lists potentially harmful contaminants, but does not require them to be regulated under the Safe Drinking Water Act.


In 2016, the EPA established a lifetime health advisory (LHA) of 70 parts per trillion for concentrations of PFOA and PFOS in drinking water. However, the LHA is not legally enforceable and cannot be used to determine remediation responsibilities and transfers of surplus DOD property under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At this time, a handful of states have established their own cleanup standards that are more stringent than those under the LHA. While we applaud these states for taking action, we are concerned that the EPA has not yet declared a federal maximum contaminant level (MCL). A science-based MCL would provide a clear and enforceable nationwide standard for permissible levels of these contaminants. An MCL would also inform remediation decisions for sites under CERCLA. DOD has identified military installations for cleanup and remediation, yet is unable to move forward under CERCLA without an MCL. DOD has also highlighted the need for the Office of Land and Emergency Management to determine a cleanup number, which we strongly support. Without an MCL and cleanup number, the unintended result is that many military communities across the country remain in limbo.

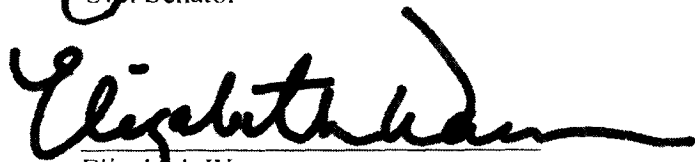
In December 2017, the EPA announced a cross-agency effort to address PFAS contamination, saying that it would "build on the work that the Agency has done to establish non-regulatory drinking water health advisories for PFOA and PFOS." While we are encouraged that the agency recently announced its intention to convene a National Leadership Summit on PFAS, more urgent action is still needed. We urge you, as a part of your efforts, to expeditiously declare an MCL for all PFAS, based on rigorous scientific evidence, as well as a cleanup number from the Office of Land and Emergency Management. This will provide all states, and our local communities, with much-needed certainty to move forward on remediation activities and protection regimes for drinking water systems.

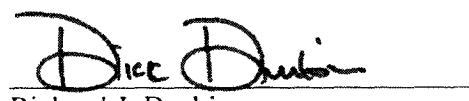
Thank you for your prompt attention to this important matter.


Sincerely,

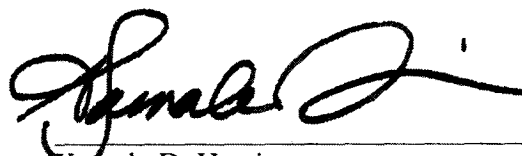

Jack Reed
U.S. Senator


Debbie Stabenow
U.S. Senator

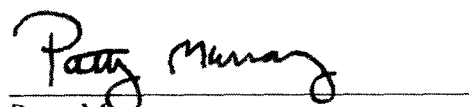

Elizabeth Warren
U.S. Senator



Richard J. Durbin
U.S. Senator

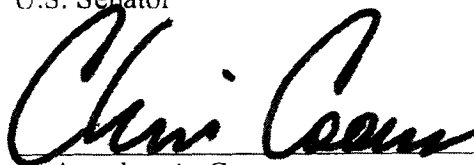

Joe Manchin III
U.S. Senator



Kamala D. Harris
U.S. Senator



Kirsten Gillibrand
U.S. Senator

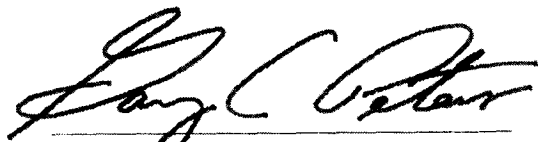

Patty Murray
U.S. Senator

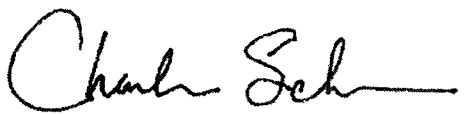

Thomas R. Carper
U.S. Senator

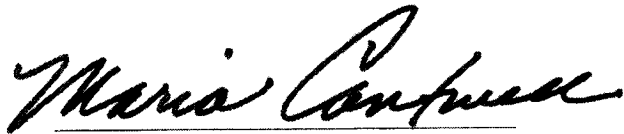

Christopher A. Coons
U.S. Senator


Robert P. Casey, Jr.
U.S. Senator


Tammy Duckworth
U.S. Senator


Gary C. Peters
U.S. Senator


Charles E. Schumer
U.S. Senator



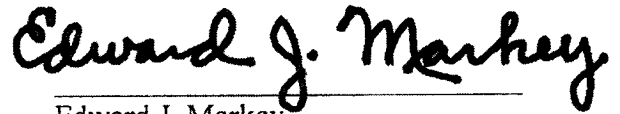
Maria Cantwell
U.S. Senator



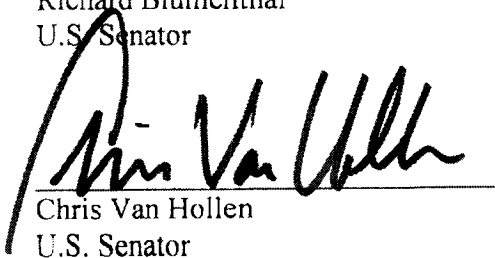
Bernard Sanders
U.S. Senator



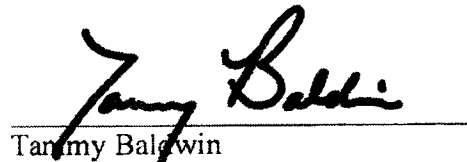
Richard Blumenthal
U.S. Senator



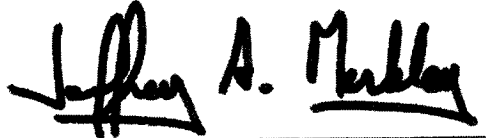
Edward J. Markey
U.S. Senator



Chris Van Hollen
U.S. Senator



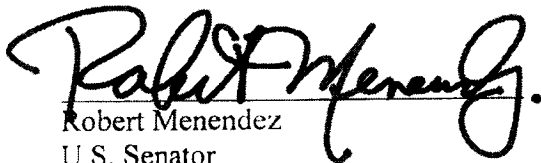
Tammy Baldwin
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



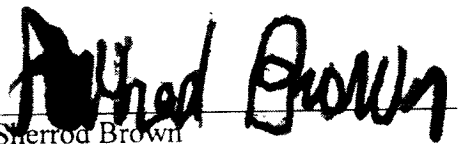
Margaret Wood Hassan
U.S. Senator



Robert Menendez
U.S. Senator



Jeanne Shaheen
U.S. Senator



Sherrod Brown
U.S. Senator

United States Senate

WASHINGTON, DC 20510

May 14, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to respectfully request the Environmental Protection Agency (EPA) extend the comment deadline to July 30, 2018 on the proposed rule "Strengthening Transparency in Regulatory Science," docket number EPA-HQ-OA-2018-0259, and hold one or more public hearings.

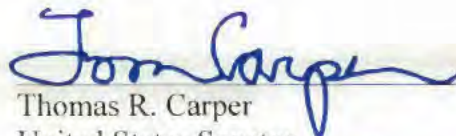
This proposed rule is expected to have a significant effect on the types and number of scientific studies EPA considers during rulemaking. The rule also implicates patient privacy. With these concerns in mind, many public health groups, including the American Lung Association, the American Medical Association, the American Academy of Pediatrics, the American College of Preventive Medicine, the American Thoracic Society, and the American Public Health Association, have similarly requested an extension of the comment deadline and public hearings.

EPA would be well served by giving stakeholders adequate time to draft and submit thorough, well-reasoned comments and by conducting at least one hearing to hear public feedback. Doing so will help ensure that EPA receives the highest quality comments from the broadest array of stakeholders.

Sincerely,



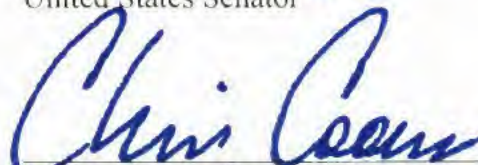
Sheldon Whitehouse
United States Senator



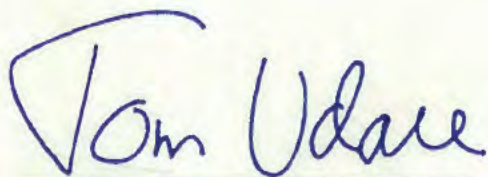
Thomas R. Carper
United States Senator



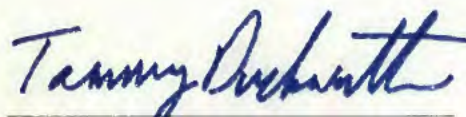
Tammy Baldwin
United States Senator



Christopher A. Coons
United States Senator



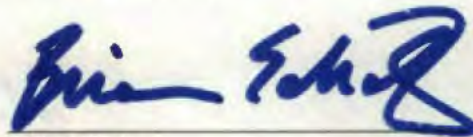
Tom Udall
United States Senator



Tammy Duckworth
United States Senator



Margaret Wood Hassan
United States Senator



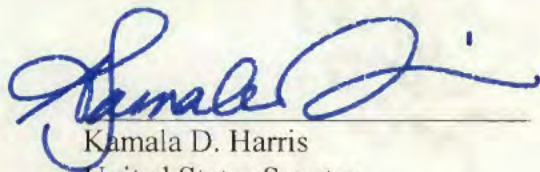
Brian Schatz
United States Senator



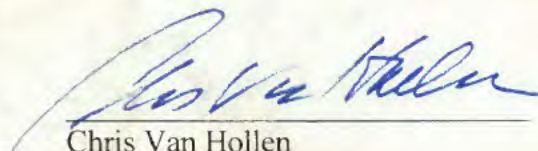
Mazie Hirono
United States Senator



Richard J. Durbin
United States Senator



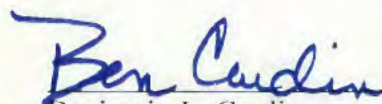
Kamala D. Harris
United States Senator



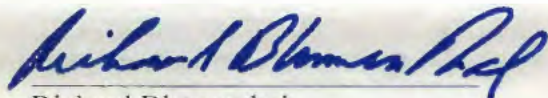
Chris Van Hollen
United States Senator



Debbie Stabenow
United States Senator



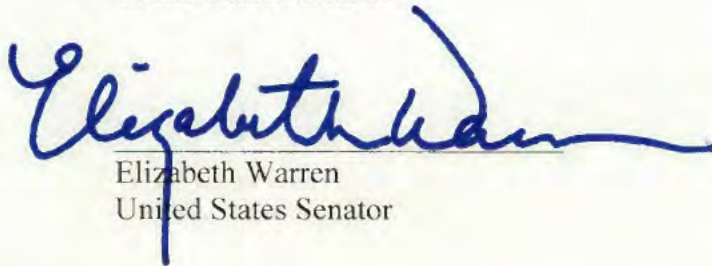
Benjamin L. Cardin
United States Senator



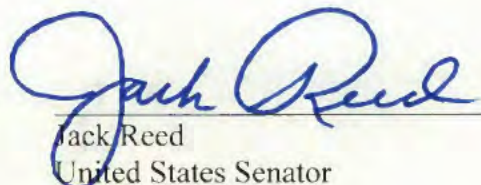
Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



Jack Reed
United States Senator

Edward J. Markey

Edward J. Markey
United States Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

October 10, 2018

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Secretary DeVos and Acting Administrator Wheeler:

We write to urge the U.S. Department of Education (ED) and the Environmental Protection Agency (EPA) to take immediate action to protect students from lead in school drinking water. A recent Government Accountability Office (GAO) report found that an estimated 41 percent of public school districts, serving 12 million students, did not test for lead in school drinking water.¹ Furthermore, GAO found that where school districts tested for lead, more than a third of school districts found elevated lead levels. Given that lead exposure can result in a variety of health impacts, especially for young children, we urge you to swiftly implement GAO's recommendations to encourage more school districts to test for lead and take immediate action to combat lead in school drinking water.

As you know, lead is a neurotoxin, and any amount of exposure in a child can slow growth and development, damage hearing and speech, and cause learning disabilities. The Flint water crisis, which was caused by a series of unconscionable and short-sighted decisions, renewed national awareness about the dangers that lead exposure poses to children and public health. The crisis also underscored that even the most basic resource within our communities, safe drinking water, cannot be taken for granted – a reality confronting schools across the country.

- In Michigan, the Detroit public school system shut off drinking water at all of the city's public schools after finding elevated lead or copper levels in multiple public schools.
- In Wisconsin, 169 buildings in the Milwaukee Public School System were found to have at least one fixture that supplied water with elevated lead levels.
- In Indiana, 61% of 915 schools tested in recent months found at least one fixture with elevated lead.
- Schools in Colorado, Florida, New York, Maryland, Ohio, Pennsylvania, Oregon, and many other states are also confronting lead in their drinking water.

The GAO report made clear that ED and EPA must accelerate actions to address this problem. While both of your agencies provide guidance and other resources to states and school districts regarding testing and remediating lead in drinking water, GAO found that some EPA regional offices have not communicated the importance of testing for, and remediating lead in, school drinking water to school district personnel. Furthermore, GAO found that ED and EPA do not regularly collaborate to support state and school district efforts to address lead in drinking water.

¹ <https://www.gao.gov/assets/700/692979.pdf>

despite agreeing to do so in a 2005 memorandum of understanding. In total, GAO offered ED and EPA seven recommendations that will encourage school districts to test for lead and ensure testing and remediation efforts are aligned with best practices.

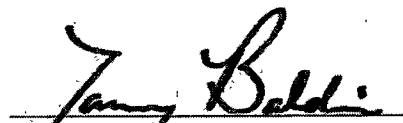
In addition to the GAO's recommendations, ED and EPA should outline proactive steps that protect students from lead in school drinking water. Such steps may include evaluating how existing ED and EPA programs can be updated to better support lead testing and remediation.

It is critical that you implement these common-sense recommendations immediately, and we ask that you provide us with a timeline for completing all seven of GAO's recommendations. We stand ready to work with you to ensure that all schools are fulfilling their duty to provide students with clean drinking water that keeps all children safe and healthy.



Debbie Stabenow
United States Senator

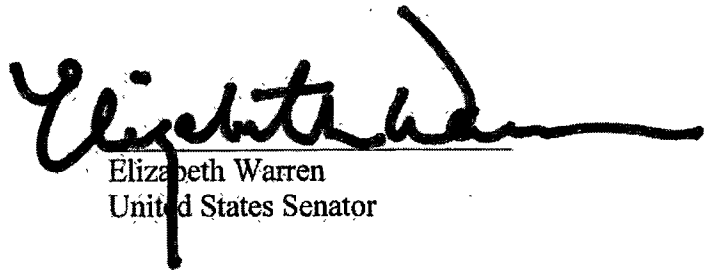
Sincerely,



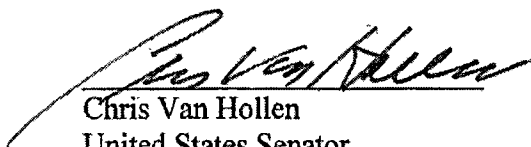
Tammy Baldwin
United States Senator



Jeanne Shaheen
United States Senator



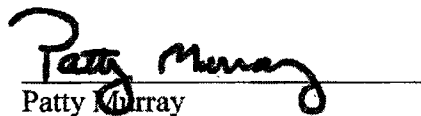
Elizabeth Warren
United States Senator



Chris Van Hollen
United States Senator



Sheldon Whitehouse
United States Senator





Patty Murray
United States Senator

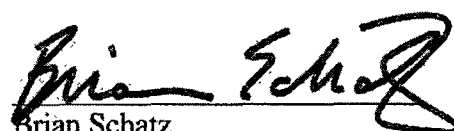


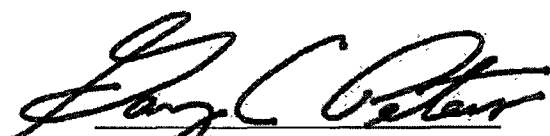
Kirsten Gillibrand
United States Senator

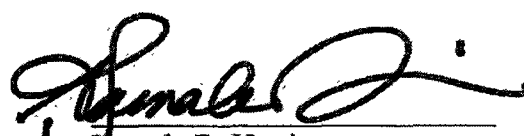

Joe Donnelly
United States Senator

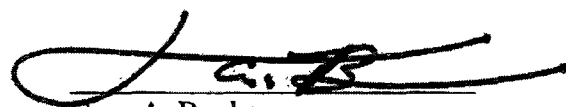

Benjamin L. Cardin
United States Senator



Michael F. Bennet
United States Senator

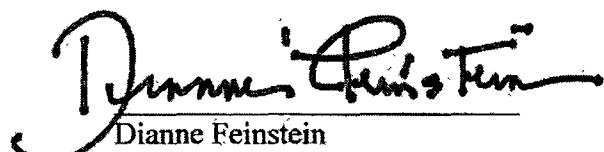

Brian Schatz
United States Senator

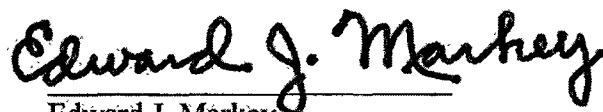

Gary Peters
United States Senator



Kamala D. Harris
United States Senator



Cory A. Booker
United States Senator

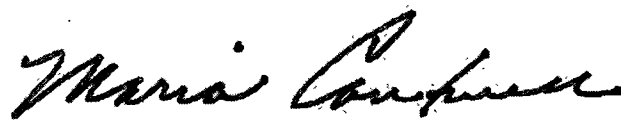

Robert P. Casey, Jr.
United States Senator


Dianne Feinstein
United States Senator

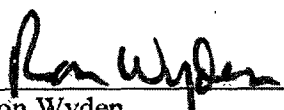

Edward J. Markey
United States Senator

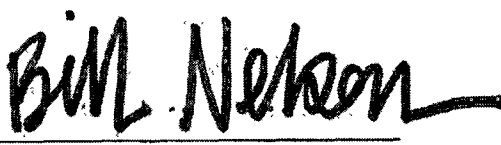

Richard Blumenthal
United States Senator


Margaret Wood Hassan
United States Senator

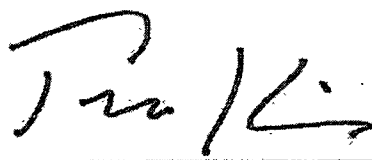

Maria Cantwell
United States Senator

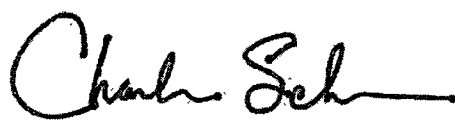

Thomas R. Carper
United States Senator



Ron Wyden
United States Senator

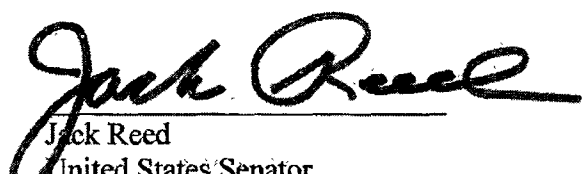

Bill Nelson
United States Senator

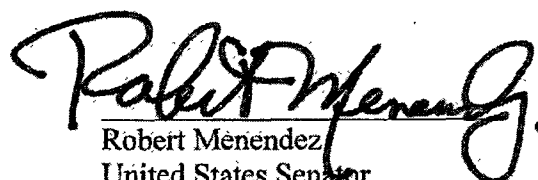

Richard J. Durbin
United States Senator



Tim Kaine
United States Senator

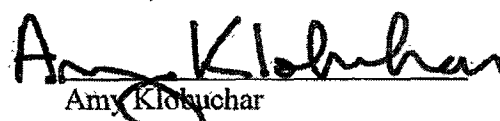

Charles E. Schumer
United States Senator



Bernard Sanders
United States Senator

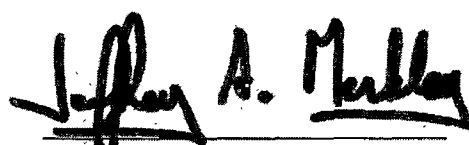

Jack Reed
United States Senator



Robert Menéndez
United States Senator


Sherrod Brown
United States Senator


Amy Klobuchar
United States Senator


Tammy Duckworth
United States Senator


Jeffrey A. Merkley
United States Senator


Tina Smith
United States Senator

United States Senate

WASHINGTON, DC 20510

October 9, 2018

Acting Administrator Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

We are writing to request that you extend the comment period by at least 60 days and increase the number of public hearings to at least four in order to allow for thorough public consideration and input for the proposed rule, *Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Regulations to New Source Review Program*, 83 Fed. Reg. 44,746—(Aug. 31, 2018)—informally known as the Affordable Clean Energy (ACE) rule.

Before finalizing the Clean Power Plan, the Environmental Protection Agency (EPA) conducted an unprecedented two-year outreach and engagement process with states, tribes and stakeholders. EPA's outreach process included four public hearings, talking to over 3,000 stakeholders including companies, nonprofits, and states, and an open public comment period for 167 days. Only after this outreach and after receiving and considering 4.3 million comments did EPA finalize the Clean Power Plan.

Our constituents should be given an equal opportunity to evaluate and weigh in on a proposed replacement. Currently, the public comment period for the proposed rule will only be 61 days, and only one public hearing will be held, in Chicago in the EPA's Region 5, on October 1.¹ These opportunities for public input are woefully inadequate given the serious legal, environmental, and human health concerns raised by the proposed rule. In fact, the ACE rule is effectively comprised of three rules in one—the revised determination of the “best system of emissions reduction” under the Clean Air Act, the delegation of additional authority to states to regulate carbon pollution, and revisions to the New Source Review program that potentially enables coal-fired power plants to evade upgrading pollution controls²—each of which could individually justify its own extensive period of public input.

The Clean Power Plan was approved in 2015 to address the overwhelming scientific consensus that humans are the dominant cause of climate change and provide a path forward to reducing such impacts. While the Clean Power Plan provided a concrete—and realistic—goal of achieving

¹ Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Regulations to New Source Review Program, 83 Fed. Reg. 45,588 (Sep. 10, 2018) (to be codified at 40 C.F.R. pts. 51, 52, and 60).

² Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Regulations to New Source Review Program, 83 Fed. Reg. 44,746 (Aug. 31, 2018) (to be codified at 40 C.F.R. pts. 51, 52, and 60).

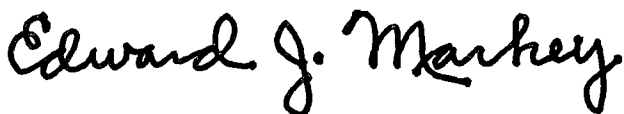
a 32 percent reduction in energy sector emissions by 2030,³ the ACE rule provides no such limit and thus hinders the ability of the EPA to regulate carbon emissions—a violation of the Clean Air Act. Numerous other complex legal issues with the proposed rule will take additional time to be carefully reviewed.

Even according to the EPA's own analysis, the ACE rule will result in the release of at least 12 times more carbon emissions from the energy sector over the next decade, along with increased emissions of pollutants such as sulfur dioxide, nitrogen oxide, and mercury, compared to the Clean Power Plan.⁴ Health effects stemming from these pollutants could include up to 1,400 additional premature deaths, 140,000 school absences, and 120,000 cases of exacerbated asthma annually by 2030, again compared to the Clean Power Plan.⁵ Given these extremely harmful potential consequences, the public needs additional time to assess EPA's modeling methodology for determining the health and environmental impacts of the proposed rule.

Due to these concerns, we request that you extend the comment period through December 31, 2018, and that you hold at least three additional public hearings to discuss the proposed rule—including in areas that stand to be most affected by the impacts of climate change, such as coastal flooding, drought, and wildfires. A 120-day public comment period, subsequently extended by 45 days, followed the publication of the proposed Clean Power Plan.⁶ The duration of the comment period for the ACE proposed rule should be similar.

As we continue to hear from our constituents and local and state officials on this matter, we will likely have additional comments for you in the future on this issue. We will be closely following your progress on this critical matter. Should you have any questions about this request, please contact Lindsey Griffith at 202-224-2742.

Sincerely,



Edward J. Markey
United States Senator



Tom Carper
United States Senator

³ Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 80 FR 64,461 (Oct. 23, 2015) (to be codified at 40 C.F.R. pt. 60).

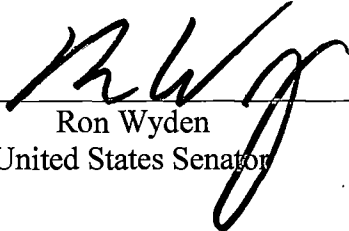
⁴ U.S., Environmental Protection Agency, *Regulatory Impact Analysis for the Proposed Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program*, Publication No. EPA-452/R-18-006, Aug. 2018, https://www.epa.gov/sites/production/files/2018-08/documents/utilities_ria_proposed_ace_2018-08.pdf.

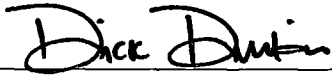
⁵ U.S., Environmental Protection Agency, *Regulatory Impact Analysis for the Proposed Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program*, Publication No. EPA-452/R-18-006, Aug. 2018, https://www.epa.gov/sites/production/files/2018-08/documents/utilities_ria_proposed_ace_2018-08.pdf.


⁶ Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 80 FR 64,461 (Oct. 23, 2015) (to be codified at 40 C.F.R. pt. 60).

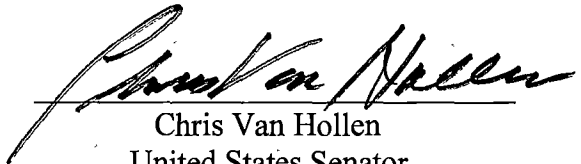
Don't forget

Don't forget to



Ron Wyden
United States Senator


Richard J. Durbin
United States Senator



Jeanne Shaheen
United States Senator

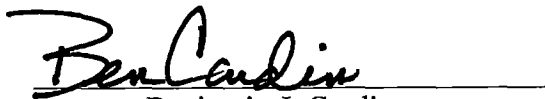

Chris Van Hollen
United States Senator



Tina Smith
United States Senator


Jeffrey A. Merkley
United States Senator

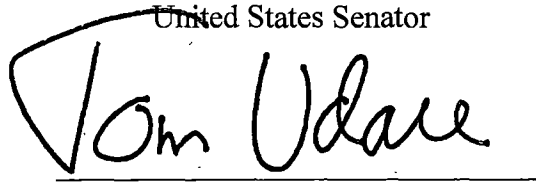

Kirsten Gillibrand
United States Senator


Margaret Wood Hassan
United States Senator


Benjamin J. Cardin
United States Senator


Richard Blumenthal
United States Senator


Michael F. Bennet
United States Senator


Tom Udall
United States Senator


Tammy Duckworth
United States Senator


Sheldon Whitehouse
United States Senator

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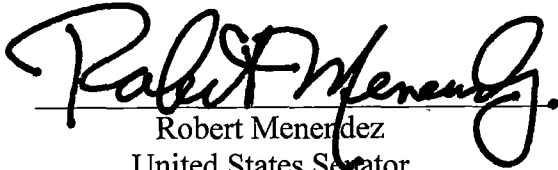
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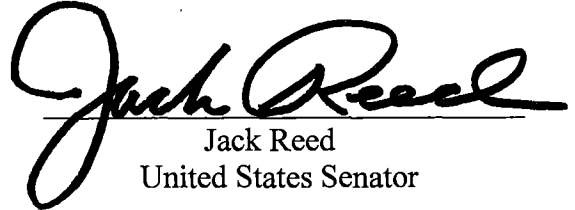
Mazie K. Hirono
United States Senator



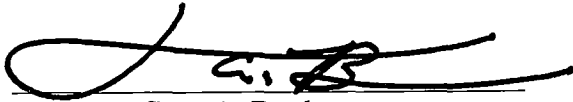
Kamala D. Harris
United States Senator



Robert Menerdez
United States Senator



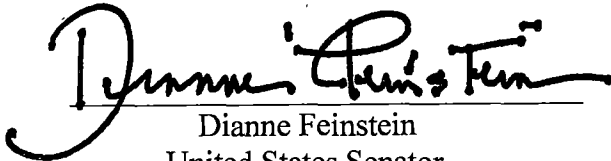
Jack Reed
United States Senator



Cory A. Booker
United States Senator



Bernard Sanders
United States Senator



Dianne Feinstein
United States Senator

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United States Senate

WASHINGTON, DC 20510

November 15, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1301 Constitution Ave. NW
Washington, DC 20460

Dear Acting Administrator Wheeler:

We write to request information about the Environmental Protection Agency's (EPA's) recent dismissal and appointment of members to its Clean Air Scientific Advisory Committee (CASAC), its decision to disband two key scientific air pollution advisory panels, and its invitation for public comment on the nomination of 174 scientists to EPA's Science Advisory Board.¹ These actions, taken together with past similar actions, could have the effect of jeopardizing the environment and human health, because they are likely to result in the replacement of renowned scientists who can provide EPA with advice on how to best protect people from the effects of environmental pollution with less qualified, industry representatives who may also have conflicts of interest.

There have been frequent efforts to understand the manner in which EPA is removing and appointing scientists on its federal advisory committees:

- In letters sent to then-Administrator Pruitt in May 2017, Senators Carper², Shaheen, and Hassan³ expressed deep concern about EPA's abrupt dismissal of twelve scientists from EPA's Board of Scientific Counselors, and Senator Carper requested all documents "related to any EPA plans or consideration of plans not to renew the terms of any member of any of EPA's other boards or panels."
- In July 2017, the Government Accountability Office (GAO) accepted a request from 10 Senators⁴ to review EPA's process for selecting federal advisory committee members.
- After EPA announced⁵ on October 31, 2017 that it would ban scientists from serving on federal advisory committees if they received research funding from EPA, 10 Senators

¹ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

² <https://www.epw.senate.gov/public/index.cfm/2017/5/carper-questions-epa-s-abrupt-dismissal-of-scientists-from-agency-board>

³ <https://www.shaheen.senate.gov/imo/media/doc/5-18-17%20Letter%20Dismissal%20off%20EPA%20BOSC%20members.pdf>

⁴ <https://www.whitehouse.senate.gov/news/release/senators-call-on-government-watchdog-to-examine-independence-of-epa-advisory-committees>

⁵ https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf

asked⁶ GAO to expand its probe in order to consider several questions concerning the impact of that policy on EPA's 22 federal advisory committees.

- On January 9, 2018, Senators Carper and Whitehouse sent a letter⁷ to EPA asking about the appointment of two scientists—Drs. Louis Anthony (Tony) Cox, Jr., a researcher for the petroleum industry, and S. Stanley Young, a researcher for the pharmaceutical and petroleum industry—to the CASAC and Scientific Advisory Board.⁸ According to internal EPA documents, EPA career staff believed that Drs. Cox and Young may have financial conflicts of interest, may risk an appearance of a lack of impartiality, and may lack the scientific expertise necessary to serve on one or more Federal Advisory Committees.
- On February 14, 2018, Senators Carper and Whitehouse sent⁹ GAO information about Dr. Cox and Dr. Larry Wolk, who, according to internal EPA documents released by the Senators, was criticized for having “no direct experience in health effects of air pollution,” among other things.

There have also been more recent changes to CASAC's membership. On October 10, 2018, EPA announced the appointment of five new members to its CASAC, and the unusual dismissal of three qualified scientists from that committee. Specifically, you removed Judith Chow, Ivan Fernandez, Elizabeth Sheppard from CASAC—all of whom were eligible to serve for another three years—and additionally removed Larry Wolk.

In their place, you appointed Dr. Sabine Lange from the Texas Commission on Environmental Quality and Dr. Steven Packham from the Utah Department of Environmental Quality.¹⁰ Both appointments raise serious concerns related to whether Drs. Lange and Packham should be serving on this Committee. According to documents obtained by the Senate Committee on Environment and Public Works¹¹, EPA career staff warned that Dr. Lange has “no direct experience serving on national scientific committees” and may have a “possible issue with an appearance of a lack of impartiality” given her publications and presentation on standards for criteria pollutants and her employer's well-established views and positions on various National Ambient Air Quality Standards. Dr. Lange has said that lowering the smog health standard from

⁶ <https://www.whitehouse.senate.gov/news/release/senators-to-gao-examine-pruitts-science-advisory-board-double-standard>

⁷ <https://www.carper.senate.gov/public/index.cfm/2018/1/after-pruitt-bars-scientists-with-epa-grants-from-advisory-committees-carper-and-whitehouse-highlight-concerns-with-new-epa-appointees-conflicts-of-interest>

⁸ <https://yosemite.epa.gov/sab/sabpeople.nsf/webcommittees/CASAC>

⁹ https://www.epw.senate.gov/public/_cache/files/9/2/92393cc8-538a-4631-ad4c-0a57f8b8e676/3BC9F5D8E67D5EA1329CFE774AAA5228.carper-whitehouse-send-new-internal-epa-documents-to-gao.pdf

¹⁰ <https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee>

¹¹ https://www.epw.senate.gov/public/_cache/files/9/2/92393cc8-538a-4631-ad4c-0a57f8b8e676/3BC9F5D8E67D5EA1329CFE774AAA5228.carper-whitehouse-send-new-internal-epa-documents-to-gao.pdf

75 parts per billion (ppb) to 70 ppb “will not measurably impact public health,”¹² has disputed that short-term exposure to smog pollution was linked to respiratory mortality and total mortality,¹³ and is considered by some to have “extreme” views regarding the harmfulness of ozone (smog) pollution and the need for protective health standards.¹⁴

Dr. Packham holds similarly troubling views. In 2014, he presented a poster about air quality and outdoor exercise with the conclusion being that positive effects of exercise outweigh risks of exposure to air pollution—minimizing the impact that air pollution can have on the healthiest and unhealthiest among us. He has also said that individuals can generally deal with increased air pollution, and that while such pollution “can take years off your life” you “don’t drop dead.” He has also downplayed spikes in formaldehyde presence in Utah.

The appointment of these two scientists (and removal of highly qualified scientists) is particularly concerning in light of EPA’s October 10, 2018 announcement¹⁵ that it would disband its Particulate Matter Review Panel and the Ozone Review Panel, which are comprised of outside scientists that have assisted EPA with its statutory obligation under the Clean Air Act to review the adequacy of EPA’s standards for six common air pollutants, including particulate matter and ozone. Instead, EPA announced that CASAC – which is now populated with scientists who are generally in favor of lower pollution standards – will serve that function instead.¹⁶ Importantly, Dr. Cox remains the Chair of CASAC, despite a recent investigative report finding that just this year Dr. Cox made claims along the lines “that researchers are overstating the dangers of air pollution,” that “his own statistical modeling of health data found no connection between dirty air and respiratory problems or heart attacks,” that “there is no proof that cleaning air saves lives,” that “there’s no link between fine particle pollution and human health,” and that “the health benefits from reducing ozone are “exaggerated.”¹⁷

Most recently, EPA also announced the nomination of 174 scientists to EPA’s Science Advisory Board, which provides independent scientific and technical advice to the EPA Administrator on EPA’s major programs.¹⁸ This list includes several problematic nominees, including: Dr. James Enstrom, who has served as a policy adviser for the Koch-funded Heartland Institute and “has received funding from the tobacco industry to produce research that downplays the risks of secondhand smoke,” and has determined that the PM2.5 NAAQS is “scientifically unjustified”¹⁹;

¹² <https://www.energyindepth.org/wp-content/uploads/2015/06/Shaw-Lange-and-Honeycutt-EM-2015-Ozone-Health-Benefits.pdf>

¹³ <https://www.energyindepth.org/wp-content/uploads/2015/06/Shaw-Lange-and-Honeycutt-EM-2015-Ozone-Health-Benefits.pdf>

¹⁴ <https://twitter.com/jwalkenrdc/status/1050456077970657287>

¹⁵ <https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee>

¹⁶ <https://www.eenews.net/stories/1060102455>

¹⁷ <https://www.revealnews.org/article/trumps-air-pollution-adviser-clean-air-saves-no-lives/>

¹⁸ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

¹⁹ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

Dr. William Happer, who helped former EPA Administrator Scott Pruitt develop the red-team concept and heads the CO2 Coalition, which has received funding to argue that "[m]ore carbon dioxide levels will help everyone, including future generations of our families"²⁰; and Dr. Richard Belzer, whose recent clients include Exxon Mobil, the American Chemistry Council and Fitzgerald Glider Kits, which is pushing EPA to roll back air pollution protections on heavy trucks.²¹

At least one academic analysis of EPA since the beginning of the Trump administration has concluded that EPA is already demonstrating signs of being influenced by the industries it regulates.²² By turning to industry-funded scientists and lobbyists to staff the agency and provide it scientific advice, EPA does little to enhance its credibility as an independent government agency acting to protect the environment and public health. And it is hard to see how the agency will be entitled to deference in court when it seeks to defend rules that show signs of being written and endorsed by industry.

So that we can understand EPA's decision-making process with regard to its federal advisory committees, we ask that you provide us with responses to the following questions and requests for information no later than close of business on December 17, 2018:

1. Please provide us with all documents that are related to EPA's decisions to appoint or not to reappoint any members of any of its federal advisory committees, including but not limited to documents relevant to EPA's assessment of advisory committee nominees' potential conflicts of interest or lack of impartiality. Please provide us with updated responses to this request on a quarterly basis.
2. Please provide a detailed description of the internal process EPA uses to select members for its federal advisory committees, including the manner in which the input of EPA's career staff is solicited and utilized. Please provide us with a copy of all documents that memorialize all or part of this internal selection process.
3. Please provide a detailed explanation as to why EPA has determined to eliminate the Particulate Matter Review Panel and the Ozone Review Panel. Please provide us with all documents that are related to any plan to eliminate either panel. Going forward, for any analogous panel EPA determines to eliminate, please provide us with documents related to that decision.

For purposes of this letter, "documents" includes, but is not limited to, comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, meeting minutes and calendars, photographs, slides and presentations sent or received by or within EPA (including documents sent or received by members of EPA's beach-head and transition teams).


²⁰ <https://co2coalition.org/frequently-asked-questions/#1465245604826-64586917-ba84>

²¹ <https://www.eenews.net/climatewire/2018/10/18/stories/1060103611>

²² Lindsey Dillon, et al., "The Environmental Protection Agency in the Early Trump Administration: Prelude to Regulatory Capture," *American Journal of Public Health* (April 2018)


Thank you very much for your attention to this important matter. If you have any questions or concerns, please contact or have your staff contact Michal Freedhoff of the Environment and Public Works Committee staff, at 202-224-8832.


Sincerely,

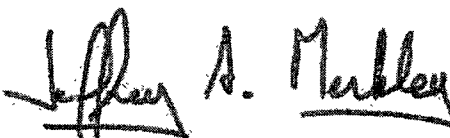

Tom Carper
United States Senate


Sheldon Whitehouse
United States Senate


Edward J. Markey
United States Senate

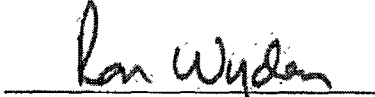

Margaret Wood Hassan
United States Senate



Elizabeth Warren
United States Senate


Jeffrey A. Merkley
United States Senate


Kirsten Gillibrand
United States Senate

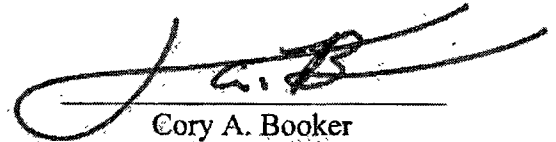

Chris Van Hollen
United States Senate


Ron Wyden
United States Senate

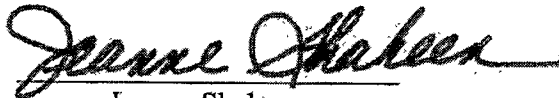

Richard Blumenthal
United States Senate



Kamala D. Harris
United States Senate



Cory A. Booker
United States Senate



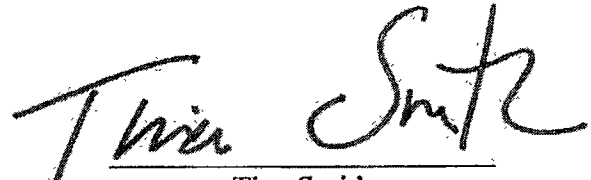
Jeanne Shaheen
United States Senate



Mazie K. Hirono
United States Senate



Tammy Duckworth
United States Senate



Tina Smith
United States Senator

Congress of the United States
Washington, DC 20510

February 26, 2020

The Honorable Dennis Deziel
Regional Administrator
Environmental Protection Agency- Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

Dear Administrator Deziel:

We write to request a 30-day extension of the March 9, 2020 deadline to submit comments on the Draft National Pollutant Discharge Elimination System (NPDES) Great Bay Total Nitrogen General Permit. Given the importance of Great Bay and the impact that this permit could have on the NH Seacoast Region, it is vital that all interested parties be given a chance to fully weigh in on the contents of the permit and have time to provide substantial feedback.

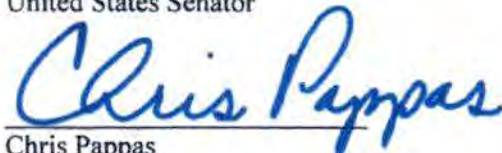
It has come to our attention that several New Hampshire municipalities are currently in the process of fully reviewing the draft NPDES permit and would like more time to finish their reviews and articulate comments for the record. As your staff heard during the February 19th public hearing, there are several New Hampshire cities and towns that still need to brief elected town councils on the contents of the permit and gather feedback. There are also small towns impacted by this draft permit that do not have the technical staff or capacity to review the permit on their own. These towns must look outside of their government structures to partner groups for assistance, which requires time and resources. In order to receive the most thorough and scientific comments possible, we believe it is important to give these municipalities more time to finish their review processes.

The Great Bay Estuary is the backbone of NH's Seacoast Region and we appreciate all that the EPA has done to engage municipalities and other stakeholder groups to protect this vital resource. Each municipality and organization takes the health of Great Bay seriously, as can be seen in the considerable actions that many have already taken to reduce total nitrogen levels. Given the potential level of impact to the Seacoast's growing population, it is in the best interest of all parties to allow substantial time to continue the dialogue on this important issue. We thank you for your consideration and look forward to continuing to work with you on this important issue.

Sincerely,



Jeanne Shaheen
United States Senator



Chris Pappas
Member of Congress



Margaret Wood Hassan
United States Senator

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

July 31, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1301 Constitution Ave. NW
Washington, DC 20460

Dear Administrator Wheeler:

I write to ask about the Environmental Protection Agency's (EPA's) telework policies before and during the coronavirus pandemic, and its plans for telework during reopening and beyond. EPA has been making major changes to its telework policies; before the pandemic, it had significantly reduced telework, then in response to the pandemic, it has maximized telework. Now, EPA has begun a phased reopening of its offices. I would like more information about EPA's decision-making processes related to telework and its plans going forward.

Before circumstances necessitated maximum telework, EPA had begun to restrict employee access to it. A February 27, 2020 order limits non-bargaining-unit employees to no more than two days of telework per week.¹ A pending bargaining agreement between EPA and American Federation of Government Employees would implement similar restrictions for bargaining-unit employees.² Both of these rules are a significant change from the previous policy permitting employees to telework up to full-time.³

Like many other employers, when COVID-19 hit, EPA authorized maximum telework for all eligible employees.⁴ In fact, 96 percent of EPA employees have been able to telework during the pandemic.⁵ This is truly unprecedented, and I commend EPA for rapidly implementing a strong telework program in response to the pandemic.

On May 21, 2020, EPA announced a plan for a three-phase reopening of its offices.⁶ The plan offers maximum telework during phases one and two, with most employees returning to the office in phase three.

¹ Environmental Protection Agency, *Work Schedules at the Environmental Protection Agency*, Classification No. 3162, 6 (Feb. 27, 2020), https://www.eenews.net/assets/2020/03/23/document_gw_01.pdf.

² Kevin Bogardus, *Union presidents vote to approve contract*, E&E News (Jun. 12, 2020), <https://www.eenews.net/greenwire/stories/1063376627>.

³ Environmental Protection Agency, *U.S. Environmental Protection Agency Telework Policy*, Order No. 3110.32, 8-10 (Jan. 26, 2016, revised Apr. 23, 2017), https://www.eenews.net/assets/2019/09/12/document_gw_16.pdf.

⁴ See Lia Russell, *Agencies respond to White House telework guidance*, FCW (Mar. 16, 2020), <https://fcw.com/articles/2020/03/16/agencies-respond-telework-guidance.aspx>. See also Kevin Bogardus, *Policy to limit telework emerges during pandemic*, E&E News (Mar. 23, 2020), <https://www.eenews.net/stories/1062681577>.

⁵ Kate Polit, *EPA Makes the Jump to 96% Telework*, MeriTalk (Apr. 22, 2020), <https://www.meritalk.com/articles/epa-makes-the-jump-to-96-telework/>.

⁶ Kevin Bogardus, *EPA starts 'measured and deliberate' reopening*, E&E News (May 22, 2020), <https://www.eenews.net/stories/1063205377>.

I want to know more about the reasoning for these changes, lessons learned, EPA's reopening plan, and its plans for telework. I would like responses to the following questions by August 31, 2020.

1. Before the pandemic, what motivated EPA to reduce its telework policy from up to full-time telework for eligible employees to a maximum of two days per week?
2. Did EPA complete a cost-benefit analysis of this policy change, including consulting with relevant stakeholders, before announcing the changes and moving to implement them? If not, why not? If so, please provide a summary of the cost-benefit analysis.
3. How has operating with 96 percent of employees on full-time telework impacted agency operations and productivity?
4. What lessons has EPA learned from operating with so many employees on full-time telework during the pandemic?
5. Based on those lessons, does EPA still intend to limit telework in the future to a maximum of two days per week? Why or why not? If yes, at what point during the phased reopening do you anticipate that the two-day maximum will go back into effect?

I appreciate your attention to this important issue and look forward to a response.

Sincerely,



Margaret Wood Hassan
Ranking Member
Federal Spending Oversight and
Emergency Management Subcommittee

United States Senate

WASHINGTON, DC 20510

April 3, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

The Clean Water Rule (80 FR 37053) clarified the scope of waters protected under the 1972 Clean Water Act, the primary federal law governing water pollution. The final rule was based not only on legal precedent, but decades of peer-reviewed science, agency expertise, and experience implementing the Clean Water Act nationwide.¹

Section 3 of Executive Order 13778 directs EPA and the Army Corps of Engineers to consider weakening the rules significantly, based on one opinion in *Rapanos v. United States*, 547 U.S. 715 (2006).² A majority of the Supreme Court rejected that opinion, and it does not reflect the body of precedent implementing the Clean Water Act. Therefore, we are concerned of the threat that Executive Order 13778 poses to critical wetlands and to streams, including streams that feed into the drinking water supplies of 117 million Americans.³

We respectfully request a response that addresses the following:

- In complying with Executive Order 13778, will you guarantee that drinking water quality will not be worse for the 117 million Americans who receive drinking water from public water systems that draw supply from seasonal, rain-dependent, or headwater streams?
- Under any potential revision of the rule, protections for critical streams may be lifted, erasing safeguards to prevent chronic contamination. Such a scenario could require the addition of expensive water purification technologies to ensure drinking water supplied by these waters would be safe. What would be the financial burden to municipalities supplying water? Has EPA analyzed how residential and commercial water might be impacted?
- Furthermore, chronic contamination of streams may require communities to explore alternative drinking water sources. Please provide specific case estimates of potential incurred costs for adopting alternative water sources for these communities. Please list communities that do not have reasonable alternative water sources.

¹ Federal Register, Clean Water Rule: Definition of “Waters of the United States.” EPA-HQ-OW-2011-0880; FRL 9927-20-OW.

² Federal Register, Executive Order 13778 of February 28, 2017, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.

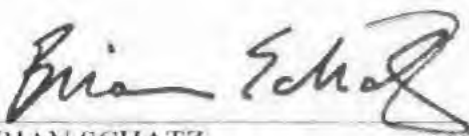
³ U.S. Environmental Protection Agency, Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral, and Headwater Streams in the U.S. <https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent>

- Can you guarantee that no American's health will be harmed by the reevaluation and reconsideration of the Clean Water Rule, compared to the protections that would be in place should the original rule be implemented as written? Please provide the scientific documentation that informs your response to this question.
- Does EPA have studies establishing that contaminating or destroying upstream water bodies will not impact the condition of downstream waters?
- Under the Clean Water Act, states must develop a list of impaired and threatened water bodies and every pollutant criteria that is exceeded. Total maximum daily loads (TMDLs) are then determined, representing the total amount of contaminants (chemical contaminants, fecal bacteria, heavy metals, etc.) the impaired/threatened waters can receive and still remain in compliance with existing water quality criteria. In reconsidering the Clean Water Rule, has EPA studied the expected effect on identified impaired waters in terms of water quality exceedances? Please provide any information the agency possesses about whether any waters are expected to be listed as impaired/threatened due to any repeal or weakening of the rule.

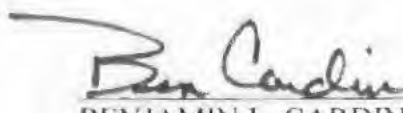
Subject to the Administrative Procedure Act, the Clean Water Rule was carefully evaluated over many years and nearly 90% of the more than 1 million public commenters supported the proposal.⁴ Moreover, we are concerned that revising or revoking this rule will only increase uncertainty amongst farmers, developers, and other stakeholders that want clarity about what water bodies the law protects from pollution.

We urge you to continue EPA's mission of making the protection of human and environmental health your highest priority, and we appreciate your prompt attention to this matter.

Sincerely,



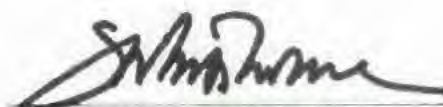
BRIAN SCHATZ
U.S. Senator



BENJAMIN L. CARDIN
U.S. Senator



CHRIS VAN HOLLEN
U.S. Senator



SHELDON WHITEHOUSE
U.S. Senator

⁴ U.S. Environmental Protection Agency, Clean Water Rule Response to Comments – Mass Mailing Campaigns.
http://www.epa.gov/sites/production/files/201506/documents/cwr_response_to_comments_mass_mailing_campaigns.pdf



KIRSTEN GILLIBRAND
U.S. Senator



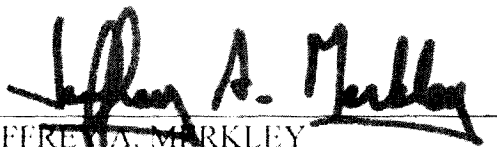
RICHARD BLUMENTHAL
U.S. Senator



JACK REED
U.S. Senator



MARGARET WOOD HASSAN
U.S. Senator



JEFFREY A. MARKLEY
U.S. Senator



EDWARD J. MARKEY
U.S. Senator



CORY A. BOOKER
U.S. Senator

United States Senate

WASHINGTON, DC 20510

April 7, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

On March 28, 2017, President Trump signed an Executive Order directing federal agencies to review federal regulations intended to address climate change, including the Clean Power Plan. The same day you signed a Federal Register notice describing the review process the Environmental Protection Agency (EPA) will undertake to consider whether to suspend, revise or rescind the Clean Power Plan. Rescinding the Clean Power Plan will put generations of Americans at grave health and economic risk. We seek further information concerning the process and schedule the EPA plans to use to carry out the Executive Order's (EO's) directives. We also want to know how the agency intends to meet its legal obligations to address carbon pollution emissions if the Clean Power Plan is rescinded.

The EPA has a clear legal obligation to address carbon pollution emissions. After reviewing thousands of peer-reviewed scientific studies, former EPA Administrator Lisa Jackson issued a final Endangerment Finding in December 2009. EPA determined that six greenhouse gas pollutants may reasonably be anticipated to endanger public health or welfare. The agency also found that carbon dioxide (CO₂) is the "primary greenhouse gas emitted through human activities" and accounts for about "80.8% of all U.S. greenhouse gas emissions from human activities."^[1] The largest sources of carbon dioxide – according to electric utility reporting – comes from our nation's fossil fuel power plants.^[2]

In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.^[3]

In August 2015, the EPA finalized the Clean Power Plan to reduce carbon pollution from power plants, after an unprecedented two-year outreach and engagement process with states and stakeholders, and after taking into consideration 4.3 million comments submitted during the formal notice and comment process. The Clean Power Plan, which reflects the concerns, input

^[1] <https://www.epa.gov/climatechange/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>

^[2] <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

^[3] <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

and priorities of states, the electric power sector and the public, gives states and electric utilities the time and flexibility to meet reasonable carbon pollution emissions reduction targets, allowing five years until reductions need to begin. The Clean Power Plan provides both long-term certainty for our nation's power sector, and tools to enable the more than two dozen states that have policies either limiting power sector CO2 emissions, or expanding renewable energy, to integrate those policies with a national program.

Rescinding the Clean Power Plan also means that Americans will never realize its numerous health and economic benefits. The EPA estimated the Clean Power Plan would cut emissions from power plants 32 percent below 2012 levels by 2030. In 2030, the pollution standards will deliver climate and health benefits of up to \$90 billion dollars and reduce household energy prices by \$85 per year.^[4]

Walking away from the Clean Power Plan, and other efforts to address climate change, will also increase risks to the federal budget and taxpayers. The costs of inaction on climate are so troubling that the Government Accountability Office (GAO) has listed climate change on the agency's High Risk List since 2013 because it is a "significant financial risk to the federal government."^[5]

Knowing the health and economic benefits of the Clean Power Plan, and the risks our nation faces by not reducing CO2 emissions from power plants, please respond to the following:

1. Please provide a detailed description, including a schedule with milestones, of the review process that the EPA will follow respect to the Clean Power Plan.
2. In the event that the EPA review determined that a rulemaking to suspend, revise or rescind the Clean Power Plan is needed, please provide a detailed description of the process the agency would follow in such a case. Please include relevant timelines and milestones.
3. Please identify the actions the EPA will take to ensure inclusive, extensive, and productive outreach to, and engagement with, the power sector, states, stakeholders and the public as the agency implements the Executive Order.
4. During an exchange with Senator Gillibrand during your confirmation hearing before the Environment and Public Works Committee, you stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment finding, has obligations to address the CO2 issue." If the EPA rescinds the Clean Power Plan, how does the agency intend on fulfilling its legal obligations to address carbon pollution emissions? Please explain in detail how an alternative to the Clean Power Plan would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.
5. On March 9, 2017, you made the following statement about carbon dioxide on CNBC: "So no, I would not agree that it's a primary contributor to the global warming that we

^[5] http://www.gao.gov/highrisk/limiting_federal_government_fiscal_exposure/why_did_study


see." This comment directly contradicts: a) your testimony and answers provided in response to questions for the record during your confirmation process; b) the EPA's endangerment finding, which was upheld by the D.C Circuit Court of Appeals; and c) the views of 196 countries and 97 percent of climate scientists. Between the time of your confirmation hearing and your March 9 statement, did you obtain additional scientific information or analysis supporting your March 9 statement and contradicting your statements about CO2 during your confirmation process? If so, please provide us with that information and analysis.

6. What assurances can you provide us that your answer to Senator Gillibrand's question and similar statements you made at your confirmation hearing, as opposed to your statement on March 9, will guide the work of the EPA in carrying out the directives in the Executive Order?
7. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to any decision you take in EPA's review or under the Executive Order with respect to the Clean Power Plan.
8. The contention that the Clean Power Plan is a deathblow to coal industry jobs is highly questionable. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.¹⁶¹ Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

As we continue to hear from our constituents and local and state officials on this matter, we may have additional questions for you in the future. In the meantime, we would appreciate your thorough responses to these requests by no later than May 4, 2017. If you or your staff have questions about these requests, your staff may contact Laura Haynes Gillam of Senator Carper's staff at 202-224-8832.

We appreciate your prompt attention to our requests.

Sincerely,


Tom Carper
U.S. Senator



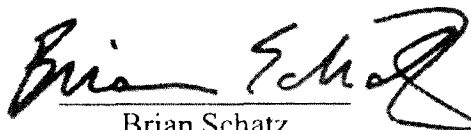
Al Franken
U.S. Senator



Maggie Hassan
Margaret Wood Hassan
U.S. Senator



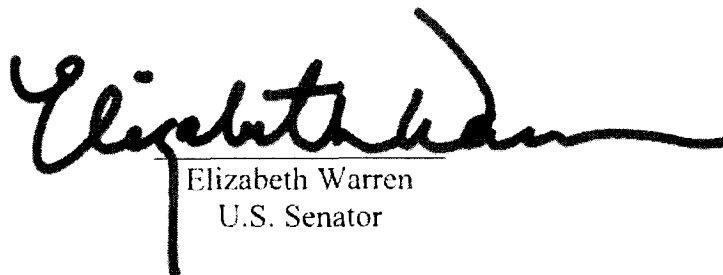
Richard Blumenthal
U.S. Senator



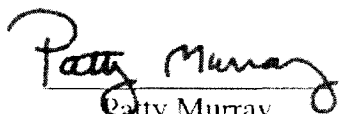
Brian Schatz
U.S. Senator



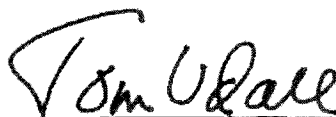
Sheldon Whitehouse
U.S. Senator




Elizabeth Warren
U.S. Senator



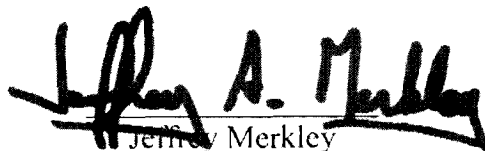
Patty Murray
U.S. Senator



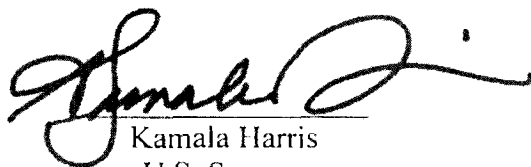
Tom Udall
U.S. Senator



Jeanne Shaheen
U.S. Senator



Jeffery Merkley
U.S. Senator



Kamala Harris
U.S. Senator



Michael Bennet
U.S. Senator

Edward J. Markey

Edward J. Markey
U.S. Senator

Chris Coons

Christopher Coons
U.S. Senator

Ron Wyden

Ron Wyden
U.S. Senator

Kirsten Gillibrand

Kirsten Gillibrand
U.S. Senator

Mazie Hirono

Mazie K. Hirono
U.S. Senator

Amy Klobuchar

Amy Klobuchar
U.S. Senator

Robert F. Menendez

Robert Menendez
U.S. Senator

Dianne Feinstein

Dianne Feinstein
U.S. Senator

Maria Cantwell

Maria Cantwell
U.S. Senator

Chris Van Hollen

Chris Van Hollen
U.S. Senator

United States Senate

WASHINGTON, DC 20510

July 17, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Room 3000
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary
Office of the Assistant Secretary of the Army for Civil Works
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write to request a minimum of a 90-day extension to the proposed comment period mandated by the Environmental Protection Agency's (EPA) proposal to rescind the 2015 Clean Water Rule, 80 Fed. Reg. 37054 (Jun. 29, 2015).

The 30-day comment period EPA proposes in its Notice of Proposed Rulemaking is far too short to allow full review, careful analysis, and heartfelt feedback from as many of the millions of Americans potentially impacted by this endeavor as wish to share their views, including the 117 million (or one in three Americans) who receive drinking water from the waterbodies affected by this proposal.

We would urge you to extend that comment period to at least the same duration as offered by the previous Administration when it first proposed the 2015 rule – 90 days. As you know, EPA and the Corps of Engineers extended the comment period twice in response to requests to do so, resulting in over 180 days of input. The full comment period extended from April 21—November 14, 2014, yielding more than a million comments. It makes no sense to deny affected and concerned Americans the same opportunity to weigh in on your proposal to rescind that rule.

All Americans depend on clean water for their health and livelihoods. Farmers need clean water to produce safe food; hunters and anglers—and the \$40 billion outdoor recreation industry that supports them—need nourishing waters and wetlands to sustain the fish and wildlife they seek; and it's no surprise that the 400,000 or so craft brewers and industry employees need access to fresh, healthy waters, too. They also want assurance that their fundamental right to clean water is not compromised by poor regulating, endless litigating, and the uncertainty this repeal of the Clean Water Rule promises. That is why 80 percent of voters and small business owners support the rule, why 87 percent of hunters and anglers agree that Clean Water Act protection should

apply to the smaller headwaters and wetlands identified by the Clean Water Rule, and why 87 percent of the million or so commenters on the Clean Water Rule said they liked it.

Given the stakes, any effort to change the Clean Water Rule should be based upon robust and meaningful consultation with the public. The 30-day comment period is simply not enough.

Since it is so important to allow the public adequate time to provide responses to this notice, we would appreciate your prompt reply to this request.

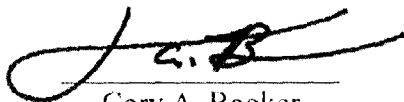
Sincerely,



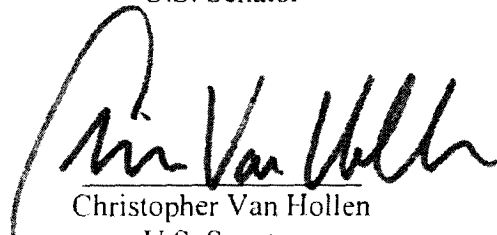
Tom Carper
U.S. Senator



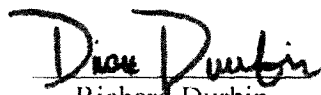
Edward J. Markey
U.S. Senator



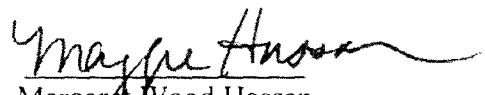
Cory A. Booker
U.S. Senator



Christopher Van Hollen
U.S. Senator



Richard Durbin
U.S. Senator



Margaret Wood Hassan
U.S. Senator



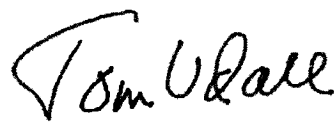
Robert P. Casey, Jr.
U.S. Senator



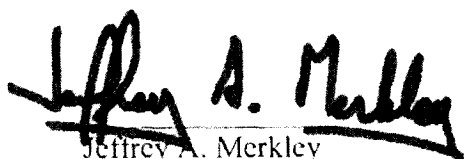
Benjamin L. Cardin
U.S. Senator



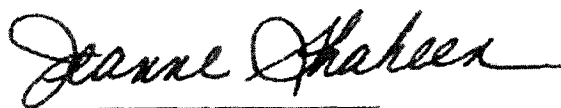
Sheldon Whitehouse
U.S. Senator



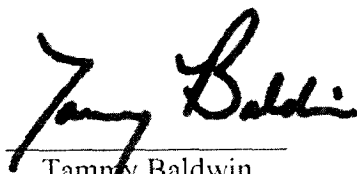
Tom Udall
U.S. Senator



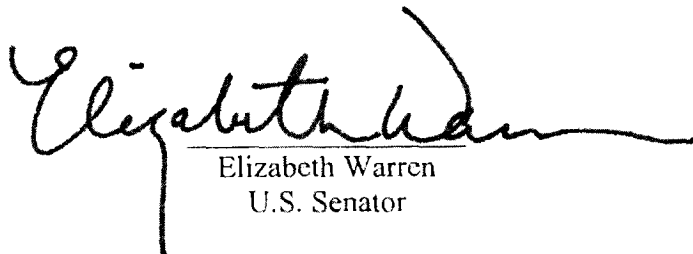
Jeffrey A. Merkley
U.S. Senator



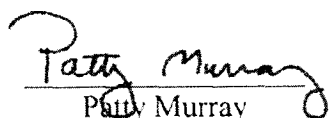
Jeanne Shaheen
U.S. Senator



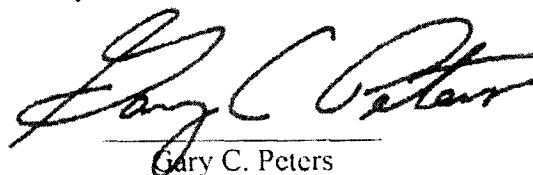
Tammy Baldwin
U.S. Senator



Elizabeth Warren
U.S. Senator



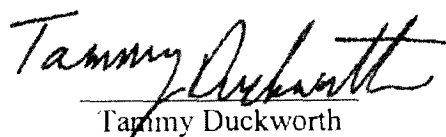
Patty Murray
U.S. Senator



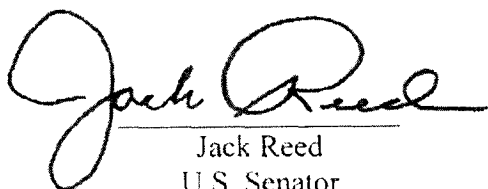
Gary C. Peters
U.S. Senator



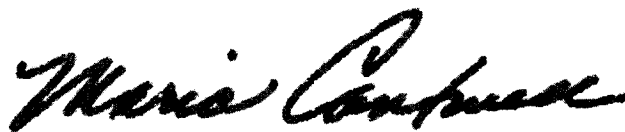
Kamala D. Harris
U.S. Senator



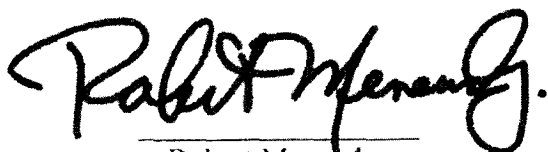
Tammy Duckworth
U.S. Senator



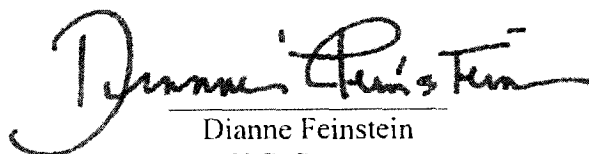
Jack Reed
U.S. Senator



Maria Cantwell
U.S. Senator



Robert Menendez
U.S. Senator



Dianne Feinstein
U.S. Senator

United States Senate

August 4, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

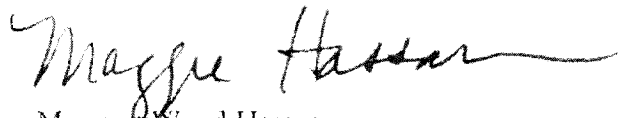
Dear Administrator Pruitt:

I write to request an update on the status of the Environmental Protection Agency's (EPA) Methods Update Rule under the Clean Water Act.

The Methods Update Rule was signed by the previous EPA Administrator in December 2016 and it makes a number of important revisions to analytical procedures for wastewater and other environmental sampling that will provide regulatory clarity and increased flexibility for municipalities and industry. My office has been contacted by business leaders in New Hampshire that are seeking clarity on the status of the Methods Update Rule and are supportive of the revisions and the cost-savings associated with the changes.

Ensuring that all Granite Staters and Americans have access to clean water is essential to public health, to the safety of our communities, and to the overall well-being of our state. Thank you for your prompt attention to this request.

With every good wish,

A handwritten signature in black ink that reads "Maggie Hassan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

September 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Douglas W. Lamont
Deputy Assistant Secretary of the Army
Office of the Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator Pruitt and Deputy Assistant Secretary Lamont:

We write in strong opposition to your proposed rule to weaken safeguards for the Nation's waterways. The proposed rule to repeal the 2015 Clean Water Rule upends the many years the EPA and US Army Corps of Engineers have taken to draft a rule that gave our constituents—and the cities, counties, states and businesses in which they live and work—the certainty that they need. As members of the United States Senate, we have a strong institutional interest in protecting Congress' original intent to protect important water bodies throughout the United States when it passed the Clean Water Act.

As we celebrate 45 years of the Clean Water Act this year, we recognize the enormous progress the nation has made in improving water quality, but realize that achieving the law's core objective—"to restore and maintain the chemical, physical, and biological integrity of the Nation's waters"—will take continued vigilance. That is why we reject your efforts to make it harder for our country's vital water bodies to meet that objective.

The 2015 Clean Water Rule was created to clear up longstanding confusion over which water bodies are protected by the Clean Water Act. The agencies took a pragmatic approach to more clearly define which water bodies get guaranteed coverage under the Clean Water Act and which ones are exempt through using the most up-to-date science and grounding the rule's safeguards on widely-accepted legal standards.

The water bodies at the center of the Clean Water Rule serve critical functions, from providing drinking water to filtering out pollution and replenishing groundwater. The 2015 rule recognizes the necessity of protecting our Nation's small streams, wetlands, and other critical waters.

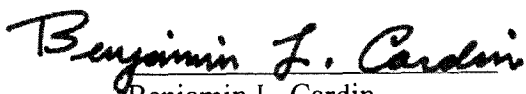
including streams that feed into the drinking water sources of 117 million Americans. Protecting these waters also directly benefits iconic bodies of water like Puget Sound, the Mississippi River, the Great Lakes, and the Chesapeake Bay. These waters support our communities, hunters and anglers, and water-dependent businesses like breweries and outdoor recreation. Because of these impacts, the agencies found that the public benefits of the rule would be as high as \$572 million per year and would significantly outweigh the rule's compliance costs.

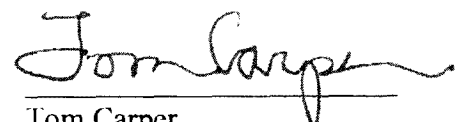
The agencies took years to develop the Clean Water Rule, notably including a scientific review that relied on over 1,200 peer-reviewed publications. The science confirms the significant relationship that tributaries, wetlands, and other waters have with the larger bodies of water into which they feed. The agencies also conducted a significant stakeholder engagement process that resulted in over 400 meetings and more than one million comments, approximately 87 percent of which supported the rule.

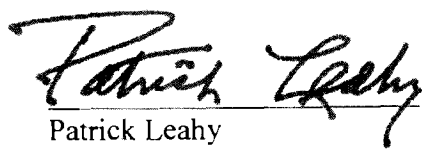
After years of uncertainty—created in large part by the conflicting *Riverside*, *SWANCC*, and *Rapanos* Supreme Court decisions—our constituents finally had a definition driven by science and not by the courts. In fact, as you note, President Trump, in his Executive Order on February 28, 2017, wrote, “[i]t is in the national interest to ensure that the Nation’s navigable waters are kept free of pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard to the roles of the Congress and the States under the Constitution.” For an administration to change the definition of what constitutes a water of the United States almost immediately upon entering office creates more, not less, regulatory uncertainty. We need stability and certainty for our constituents to be safe and our economy to grow.

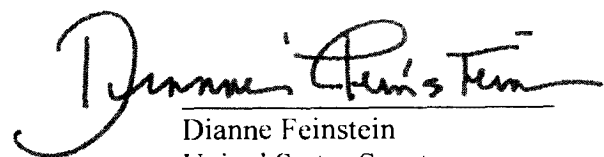
Now more than ever, it is clear that too many communities have to worry about access to clean, safe water. Vigorously implementing the Clean Water Act helps protect clean drinking water for everyone. We therefore urge your agencies to immediately withdraw the misguided proposal to repeal the 2015 Clean Water Rule.

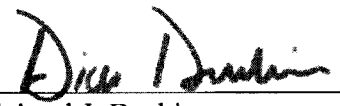
Respectfully submitted,



Benjamin L. Cardin
United States Senator

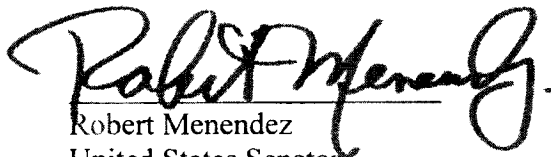

Tom Carper
United States Senator



Patrick Leahy
United States Senator

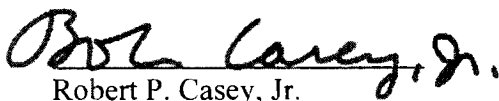

Dianne Feinstein
United States Senator



Richard J. Durbin
United States Senator



Jack Reed
United States Senator

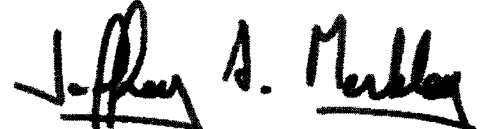

Robert Menendez
United States Senator


Bernard Sanders
United States Senator



Robert P. Casey, Jr.
United States Senator

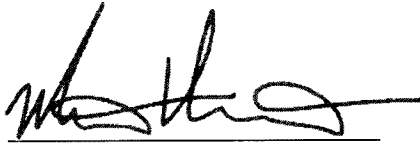

Sheldon Whitehouse
United States Senator

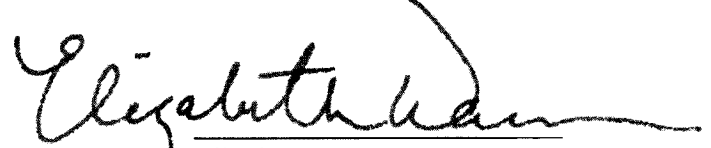

Jeanne Shaheen
United States Senator

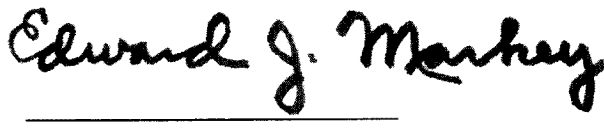

Jeffrey A. Merkley
United States Senator

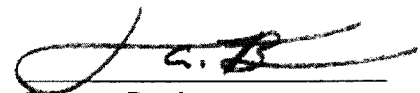

Kirsten Gillibrand
United States Senator



Richard Blumenthal
United States Senator


Martin Heinrich
United States Senator

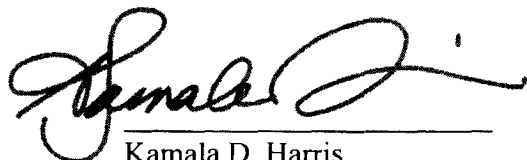

Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator

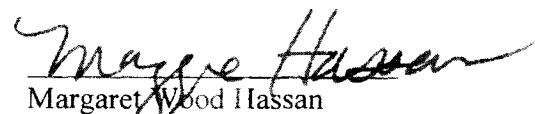

Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



Kamala D. Harris
United States Senator



Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

October 5, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We urge you to ensure that the EPA's final rule setting blending targets under the Renewable Fuel Standard (RFS) for 2018 promotes growth in the U.S. biofuel sector and in our economy.

When Congress adopted the RFS in 2005, its goal was to put in place a stable, forward-looking policy to drive innovation and investments that would bring biofuels to American consumers. The biofuel industry supports hundreds of thousands of jobs throughout the country, reduces the environmental impact of our transportation and energy sectors, and cuts our reliance on foreign oil. The stability of our policy has led to billions of dollars of investment in the biofuel sector. America's production capacity has expanded more than threefold since 2005 with fuels such as biodiesel, cellulosic ethanol, recycled-waste, algal, and other advanced biofuels.

We need to build on this progress. The 2017 final RFS rule set Renewable Volume Obligations (RVO) at the levels Congress intended. The 2018 proposed rule, while positive for maintaining the maximum blending target for conventional biofuel at 15 billion gallons, would represent a step back when it comes to advanced biofuels, resulting in less renewable fuels being blended than in 2017. The rule unjustifiably flatlines biomass-based diesel, reduces advanced biofuels, and reduces the cellulosic biofuel blending target by about 25 percent. The agency arrives at these lower targets by utilizing a new methodology more reliant on historical data than projected volumes. The RFS must by law be administered in a forward-looking manner. The final rule should address these shortfalls.

In addition, the Notice of Data Availability the agency published on September 26 would lower the blending targets by the number of gallons of biofuels imported yet still permit these imported gallons to generate compliance credits. There are also reports that the agency is considering allowing exported gallons of biofuel to generate compliance credits. Taken together, these actions would reduce renewable fuel blending in the U.S. and create uncertainty for producers.

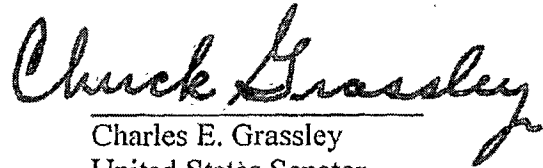
If done right, this rule is an opportunity to continue our nation's path to be not only the world leader in first generation ethanol production, but also in cellulosic ethanol and advanced biofuel production by spurring investment and manufacturing here in the United States rather than overseas.

We urge you to continue to implement the RFS as intended by Congress and release a strong final rule that would give consumers more choices at the pump, strengthen our economy and make our country more secure.

Sincerely,



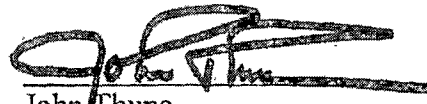
Amy Klobuchar
United States Senator



Charles E. Grassley
United States Senator



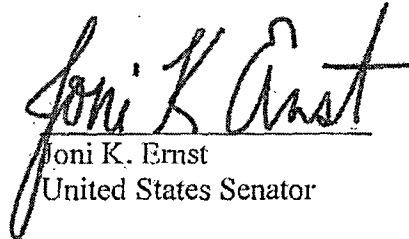
Richard J. Durbin
United States Senator



John Thune
United States Senator



Al Franken
United States Senator



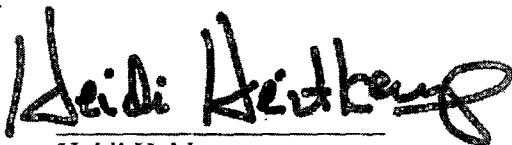
Joni K. Ernst
United States Senator



Sheldon Whitehouse
United States Senator



John Hoeven
United States Senator



Heidi Heitkamp
United States Senator



Deb Fischer
United States Senator



Debbie Stabenow
United States Senator



Roy Blunt
United States Senator



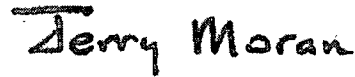
Claire McCaskill
United States Senator



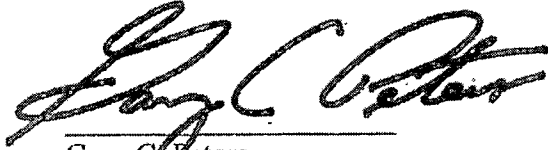
Pat Roberts
United States Senator



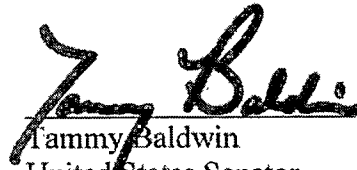
Mazie Hirono
United States Senator



Jerry Moran
United States Senator



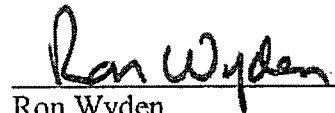
Gary C. Peters
United States Senator



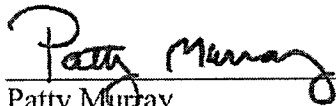
Tammy Baldwin
United States Senator



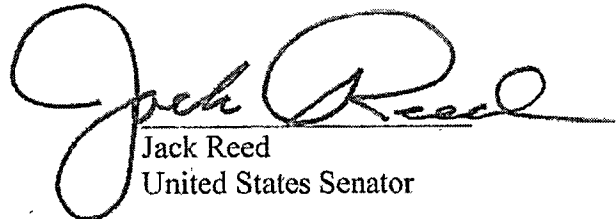
Tammy Duckworth
United States Senator



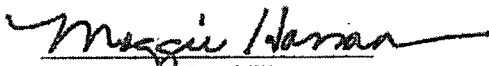
Ron Wyden
United States Senator



Patty Murray
United States Senator



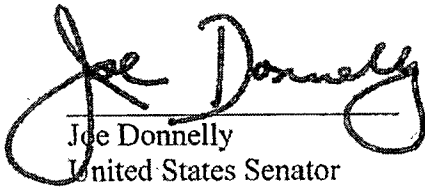
Jack Reed
United States Senator



Maggie Hassan
United States Senator



Jeanne Shaheen
United States Senator



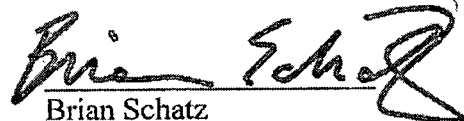
Joe Donnelly
United States Senator



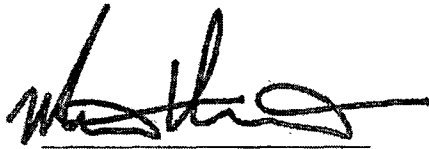
Sherrod Brown
United States Senator



Maria Cantwell
United States Senator



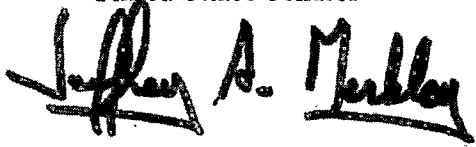
Brian Schatz
United States Senator



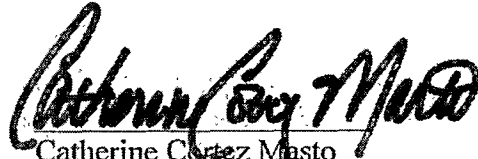
Martin Heinrich
United States Senator



Bill Nelson
United States Senator



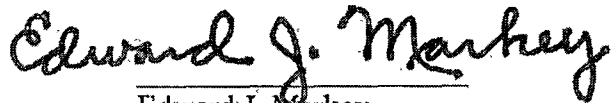
Jeffrey A. Merkley
United States Senator



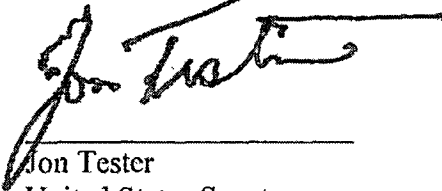
Catherine Cortez Masto
United States Senator



Richard Blumenthal
United States Senator



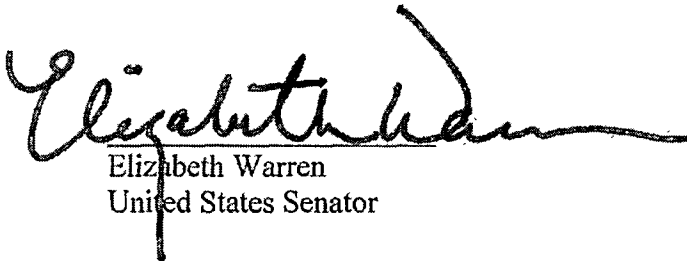
Edward J. Markey
United States Senator



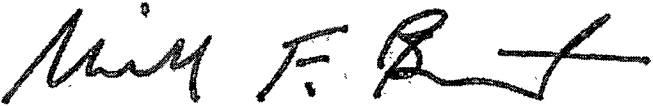
Jon Tester
United States Senator



Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Michael Bennet
United States Senator

United States Senate

WASHINGTON, DC 20510

February 1, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler:

We write to you regarding recent media reports citing that the Environmental Protection Agency (EPA) does not intend to establish enforceable drinking water standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as part of the agency's national management plan for this class of chemicals. If this is accurate, EPA's inaction would be a major setback to states and affected communities. Therefore, we urge you to develop enforceable federal drinking water standards for PFOA and PFOS as well as institute immediate actions to protect the public from contamination from additional per- and polyfluoroalkyl substances (PFAS).

As you are aware, PFAS chemicals have emerged as a widespread contaminant in drinking water sources in several communities across the nation. While the risks associated with PFAS exposure are still being uncovered, studies have linked these unregulated emerging contaminants to a number of adverse health effects. On May 19, 2016, the EPA established lifetime health advisory levels for PFOA and PFOS. These health advisories, however, are non-enforceable and deprive states of much-needed federal guidance on how to determine and implement effective drinking water standards for PFOA and PFOS chemicals.

In the absence of federal standards, states have been forced to create their own drinking water regulations for PFAS. This uncoordinated process has led to a patchwork of conflicting drinking water standards and guidelines in nine states with widely varying maximum contaminant levels. Moreover, the varying levels of standards have caused confusion among regulated entities and affected communities who wonder if their regulations are sufficient.

Federal safe drinking water standards are critical to addressing public concerns and allow for states to focus their efforts and limited resources on implementation and compliance assurance. Without enforceable drinking water standards for PFOA and PFOS, it is doubtful that a national management strategy will sufficiently confront the challenges PFAS chemicals pose to states and affected communities. This decision would also fail to consider ongoing interagency efforts to determine the human health implications of contamination from PFAS, including the nationwide study being conducted by the Agency for Toxic Substances and Disease Registry (ATSDR).¹ We urge you to ensure that EPA's National PFAS Management Plan includes a commitment to

¹ The National Defense Authorization Acts for 2018 and 2019 authorized a transfer of funds from the Department of Defense to ATSDR to study PFAS exposure and related human health outcomes. This includes exposure assessments, community engagement, a health study at Pease International Tradeport in New Hampshire and a national multi-site health study.

develop federal drinking water standards for PFOA and PFOS, pursuant to the Safe Drinking Water Act. We also request that EPA provide briefings to our offices on the agency's efforts on this issue, as well as regular updates on the progress of those efforts.

Safe drinking water is essential to the health and well-being of every American. And while our nation's water quality is among the highest in the world, we now face a serious challenge: aggressively addressing the health and environmental threats connected with PFAS. We believe it is imperative that the EPA show leadership and help protect American families from these harmful materials. We thank you for your attention to this important matter and look forward to your timely response.

Sincerely,



JEANNE SHAHEEN
United States Senator



SHELLEY MOORE CAPITO
United States Senator



MARGARET WOOD HASSAN
United States Senator



DEBBIE STABENOW
United States Senator



THOMAS R. CARPER
United States Senator



TOM UDALL
United States Senator



MARIA CANTWELL
United States Senator



PATTY MURRAY
United States Senator




ROBERT P. CASEY, JR.
United States Senator




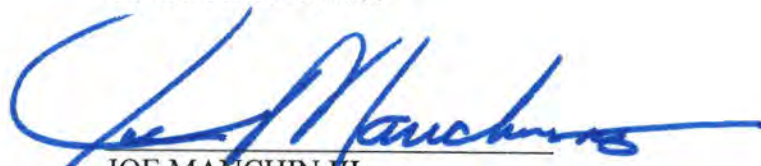
PATRICK LEAHY
United States Senator

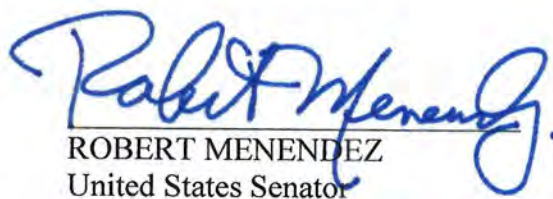

JACK REED
United States Senator


MARTIN HEINRICH
United States Senator



SHERROD BROWN
United States Senator


BERNARD SANDERS
United States Senator


JOE MANCHIN III
United States Senator


ROBERT MENENDEZ
United States Senator


KIRSTEN GILLIBRAND
United States Senator


ELIZABETH WARREN
United States Senator


GARY C. PETERS
United States Senator


THOM TILLIS
United States Senator

United States Senate

WASHINGTON, DC 20510

October 19, 2017

Acting Administrator Deborah Szaro
EPA New England Headquarters
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Dear Acting Administrator Szaro,

We write today regarding the addendum to the fourth Five-Year Review report for the Coakley Landfill Superfund Site issued by the Environmental Protection Agency (EPA). We have heard from our constituents who are concerned about the timing and manner in which this addendum was presented to the public. As we continue our efforts to ensure that Granite Staters have access to safe, clean drinking water and to address public health concerns caused by emerging contaminants such as perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), we urge you to appropriately engage with our offices and the people of New Hampshire.

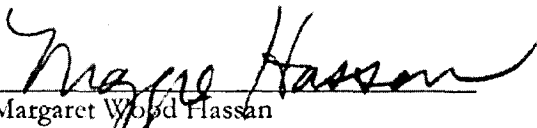
The New Hampshire Governor's Task Force on The Seacoast Cancer Cluster Investigation was established more than a year ago to investigate and respond to public health and environmental concerns regarding the cancer cluster and contamination in the region. As a member of this task force, EPA has been an important partner and provided significant information that has shaped the policy recommendations from this organization.

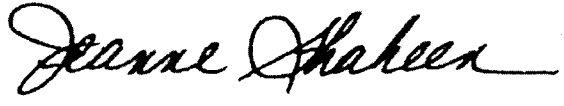
During the final meeting of the task force on October 4, 2017, the EPA presented the addendum to the fourth Five-Year Review report for the Coakley Landfill Superfund Site. We are concerned that presenting critical information in such a manner has led to confusion among the task force and the general public. While the addendum was issued on September 28, 2017, we understand that EPA's determination that "there is not a current unacceptable human health risk at the Site" was not conveyed to members of the task force prior to the final meeting. By doing so, EPA did not allow members sufficient opportunity to evaluate the information included in the addendum before the task force concluded its work.

The people of the Seacoast remain understandably disturbed about potential health and environmental risks associated with these emerging contaminants, and there is still much work for stakeholders at all levels of government to do together to address those concerns. We appreciate EPA's ongoing efforts to make progress on this serious issue, including the agency's request that the Coakley Landfill Group (CLG) post signs to alert the public in areas around Coakley Landfill that contaminants have been detected in the surface waters and directing CLG to conduct fish-tissue sampling. As the New Hampshire Legislature's Commission on the Seacoast Cancer Cluster Investigation begins its work to build on the task force's efforts, we hope the EPA will continue to engage in this important process and to present information in a timely and transparent manner.

We thank you for your ongoing efforts to combat water contamination in New Hampshire and look forward to continuing to work together to address the public health and environmental concerns of our constituents.

Sincerely,


Margaret Wood Hassan
United States Senator


Jeanne Shaheen
United States Senator

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16

United States Senate

WASHINGTON, DC 20510

July 10, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

Last year, the Bureau of Land Management (BLM) finalized rules to reduce methane wasted by the oil and natural gas sector on public lands and the Environmental Protection Agency (EPA) finalized standards to reduce methane and other harmful air pollutants from new and modified oil and gas facilities nationwide. This month, these agencies each took actions to suspend these important safeguards. These actions are unwarranted and will harm public health, taxpayers, and our energy security.

The BLM and EPA rules were adopted after years of deliberation and numerous opportunities for public input. More than one million people weighed in supporting these agency efforts.

On July 3, 2017, the District of Columbia Court of Appeals ruled that the EPA could not suspend the rules consistent with the Clean Air Act and new and modified oil and gas facilities must begin reducing methane emissions and other toxic air pollutants in accordance with the rules. The court noted that industry not only had ample opportunity to comment on the rule, but that the EPA had incorporated industry comments into the final rule.

On July 5, 2017, the States of California and New Mexico have filed suit against BLM in the Northern District of California raising the same type of objections to BLM's suspension of its methane rule.

Earlier, on May 10, 2017, the U.S. Senate rejected an attempt under the Congressional Review Act to nullify BLM's rule. That vote demonstrated that there is not support in Congress for rolling back these protections for our environment, American taxpayers, and public health. The American public broadly supports preventing the unnecessary waste of public resources, as required by the Mineral Leasing Act, and reducing air pollution associated with oil and gas development.

Suspending commonsense regulations to reduce waste and stop air pollution needlessly poses health and safety risks on children and our most vulnerable citizens. The BLM and EPA rules each rely on proven, widely available, and cost effective technologies to reduce leaking, venting, and flaring, and keep natural gas in production and in commerce rather than in the air. Delaying or revising these rules will only cause additional and unnecessary waste and result in substantial harm to communities across the country that will be exposed to dangerous air pollution. For the EPA to take action that will result in children being exposed to harmful oil and gas well emissions for at least two additional years in order to give the oil and gas industry a windfall is antithetical to the agency's core mission.

Over the last several years, industry compliance with regulations limiting methane and other air pollutants by EPA, BLM, and several states has demonstrated that companies can cost effectively prevent the waste of important energy resources and reduce air pollution that threatens our communities and our climate. Reuters reviewed recent Security Exchange Commission filings and found that "13 of the 15 biggest U.S. oil and gas producers said that compliance with current regulations is not impacting their operations or their financial condition." And, according to the Bureau of Labor Statistics, oil and gas industry employment has steadily increased since the rules took effect, even in the face of flat and declining oil prices. The Baker Hughes U.S. rig count identified over 900 land rigs in operation in June, 2017 -- up from 558 when the BLM rule was finalized in November, 2016, representing more than a 50% increase.

Both the EPA and BLM rules are commonsense, cost effective requirements that direct the oil and gas industry to find and fix leaks, use up-to-date readily available equipment, and prevent waste of a natural resource -- saving taxpayers money while also reducing air pollution and protecting human health. These requirements drive innovation and increase jobs in the growing sector of methane detection and capture technologies.

We urge you to fully implement the EPA and BLM methane and air pollution regulations as legally required without delay and to keep these important protections for public health, American taxpayers, and our energy security in place.

Sincerely,



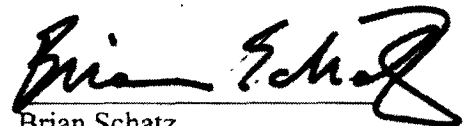
Tom Udall
United States Senator



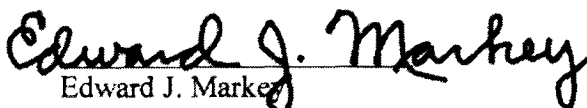
Maria Cantwell
United States Senator



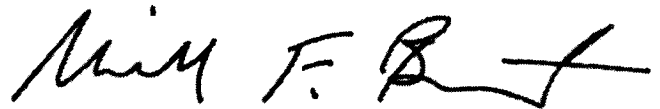
Sheldon Whitehouse
United States Senator



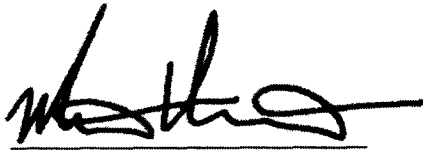
Brian Schatz
United States Senator



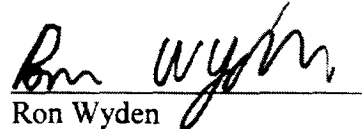
Edward J. Markey
United States Senator



Michael F. Bennet
United States Senator



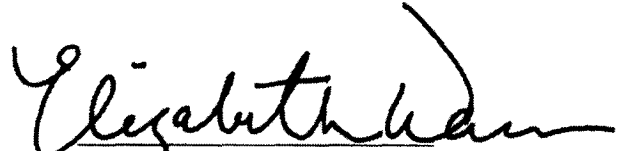
Martin Heinrich
United States Senator



Ron Wyden
United States Senator




Al Franken
United States Senator



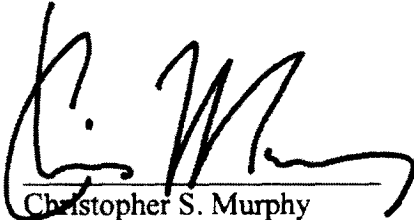
Elizabeth Warren
United States Senator



Christopher A. Coons
United States Senator



Jeff Merkley
United States Senator



Christopher S. Murphy
United States Senator



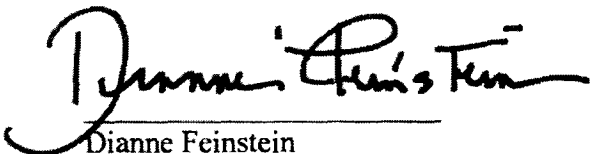
Debbie Stabenow
United States Senator



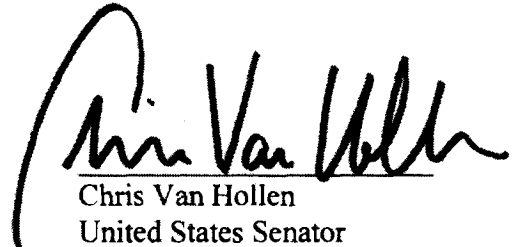
Cory A. Booker
United States Senator



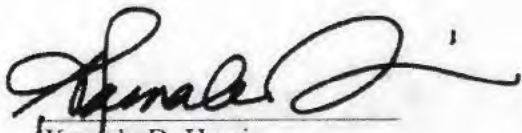
Richard J. Durbin
United States Senator



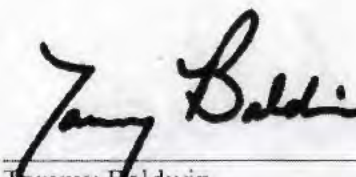
Dianne Feinstein
United States Senator



Chris Van Hollen
United States Senator



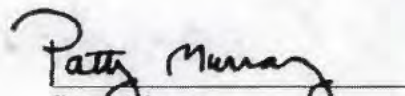
Kamala D. Harris
United States Senator



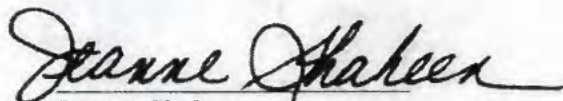
Tammy Baldwin
United States Senator



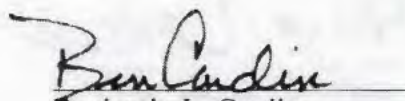
Mazie K. Hirono
United States Senator



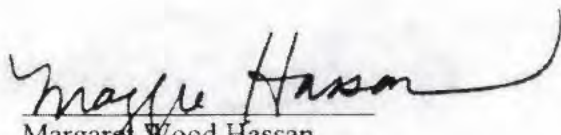
Patty Murray
United States Senator



Jeanne Shaheen
United States Senator



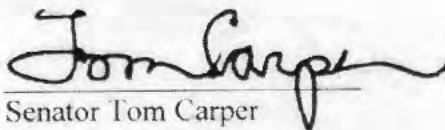
Benjamin L. Cardin
United States Senator



Margaret Wood Hassan
United States Senator



Kirsten Gillibrand
United States Senator



Senator Tom Carper

Cc:
Secretary Ryan Zinke, U.S. Department of the Interior
Administrator G. Scott Pruitt, U.S. Environmental Protection Agency

Congress of the United States
Washington, DC 20510

October 27, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We are deeply troubled by reports and an October 21st 2017 New York Times article that described how in spite of objections from scientists and administrators in multiple offices within the Environmental Protection Agency (EPA), political appointees at the agency weakened recent regulations promulgated under the Toxic Substances Control Act (TSCA), our nation's principal chemical safety law. We are concerned that these actions not only ignore Congressional intent but may also deprive Granite Staters of critical information about the risks that chemical materials, particularly perfluorinated compounds, pose to their families' health.

In 2016, Congress passed and President Obama signed the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), which substantially amended the 1976 TSCA to create a stronger, more effective chemical safety system in the U.S. Pursuant to the Lautenberg Act, the EPA is required to prioritize and evaluate existing chemicals based purely on the risks they pose to human health and the environment. Moreover, when assessing the safety of a chemical, the Lautenberg Act requires that the EPA consider all uses of the chemical, and take steps to especially ensure the protection of vulnerable individuals who are most at risk from these substances.

We are concerned that the "framework rules" issued by EPA on June 22, 2017, which are intended to provide guidance for the implementation of the Lautenberg Act, create opportunities for the agency and challengers of the law to undermine the safety measures clearly directed by Congress.

In particular, we take issue with the reversal of EPA's approach to a chemical substance's "condition of use." While the proposed rules issued by the agency on January 17 and 19, 2017, called for the evaluation of all uses of a chemical, including known, intended and reasonably foreseeable uses, the final framework rules give EPA the discretion to exclude from its analysis certain uses. This change has far-reaching consequences and may limit the agency's evaluation of legacy chemicals including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These concerns were expressly brought to the attention to the Office of Chemical Safety and Pollution Protection (OCSPP) in a memorandum from the Office of Water (OW) dated May 30, 2017, as departments within the agency were considering revisions to the proposed regulations.

Once used for a variety of commercial and industrial applications, such as nonstick cookware and firefighting foam, PFOA and PFOS have been associated with birth defects, various forms of cancer and

immune system dysfunction. These materials are no longer sold but they are still present in the environment in New Hampshire and other states. PFOA and PFOS have emerged as a widespread contaminant in drinking water sources in several southern New Hampshire towns and were responsible for the closing of a major water supply well located at the former Pease Air Force Base.

In its memorandum, OW recommended that OCSPP rescind its revisions and instead adopt a "chemical substance-based approach" that would appropriately consider exposure pathways that may lead to drinking, surface and ground water contamination. A similar recommendation was given to OCSPP by the head of EPA's Waste and Chemical Enforcement Division in the Office of Enforcement and Compliance Assurance (OECA). Given the increased detection of PFOA and PFOS in communities across America, it is disturbing that the OCSPP did not adhere to the recommendations of OW and OECA. We share the concerns expressed by OW and OECA that language included in the final framework rules will make it harder to track the health consequences of PFOA and PFOS, and therefore appropriately regulate these harmful materials.

As the lead federal agency tasked with protecting human health and the environment, EPA must reassure Americans that the agency's decisions are in the public's best interest and not a result of industry pressure or political influence. Therefore, we respectfully request answers to the following inquiries:

- Please explain how the "conditions of use" will be determined for PFOA, PFOS and other chemical substances for which there are legacy uses under the framework rules issued on June 22, 2017. If legacy uses of these chemicals will not be included in any risk evaluation EPA conducts for these substances, please describe how the agency will accurately determine whether the chemical substance poses an unreasonable risk.
- Pursuant to the Lautenberg Act, a key criterion for prioritization and risk assessment includes "a consideration of the hazard and exposure potential of a chemical substance or a category of chemical substances (including consideration of...storage near significant sources of drinking water)." Please describe how the framework rules meet this requirement.

We thank you for your attention to this important matter and look forward to your timely response.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Carol Shea-Porter
Member of Congress



Ann McLane Kuster
Member of Congress

United States Senate

WASHINGTON, DC 20510

December 6, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our concern about your decision to re-open EPA's midterm evaluation for the light-duty vehicle emissions rule for MY 2022-2025. We also object strenuously to revisiting the standards set for 2021, which were never supposed to be a part of the mid-term evaluation. The agency has used the best-available science, in consultation with other federal and state agencies and the auto industry, to conclude that these emissions standards are feasible and achievable. We therefore urge you to not weaken the emissions standards for model years 2021 and 2022 through 2025.

As a part of this mid-term evaluation, EPA, NHTSA, and the California Air Resources Board released a joint Technical Assessment Report (TAR) in 2016, which was based on years of analysis, tear down studies, and engine mapping. The report included significant stakeholder input, both from industry and NGOs. The TAR showed that the automakers have the technical ability to meet the existing MY 2022-2025 standards by relying mostly on incremental improvements to conventional vehicle technologies. The TAR also found that these standards were cost-effective and would provide significant benefits to consumers. Using the robust analysis in the TAR as well as stakeholder input on the TAR, EPA released a proposed determination that the MY 2022-2025 standards are appropriate. In concluding that no changes to the standard were necessary, EPA also reaffirmed that the rule provides significant public health and climate benefits.

In February, however, shortly after you were confirmed as Administrator, the Alliance of Automobile Manufacturers, which represents 12 automakers including GM, Ford, Toyota and Volvo, sent you a letter asking that you re-open the mid-term evaluation and you granted their request. The mission of the EPA is to protect human health and the environment. Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits.

Since these standards first began to be implemented the U.S. auto industry has added 700,000 jobs and had all-time record for sales in both 2015 and 2016. Additionally, independent analysis done by the non-profit organization Ceres, which represents investors and businesses, found that these fuel economy emissions standards provide automakers and their suppliers the certainty they need to add investment toward advanced technologies like electric vehicles and more efficient technologies. Ceres also found that the rule is needed for the long-term health of the industry. Also, earlier this year, the International Council on Clean Transportation released a technology assessment report that found that in some scenarios the technology costs to meet the MY2025 standard is 30% to 40% lower than what EPA and NHTSA projected. The public has benefitted

as well – consumers have saved over \$42 billion at the pump and mitigated 195 million metric tons of global warming emissions, according to the EPA.

We urge you not to weaken these vehicle emissions standards, and allow the auto industry to ensure its continued success and further its innovation while maintaining a standard that brings clear public health, climate, and consumer benefits. As you move to reevaluate the sound technical conclusions your agency reached last year in the mid-term evaluation, we expect you will consider the facts, the science, and the law, which all lead to the single conclusion that the standards are achievable.

We will be monitoring this review process and look forward to working with you on this issue.

Sincerely,



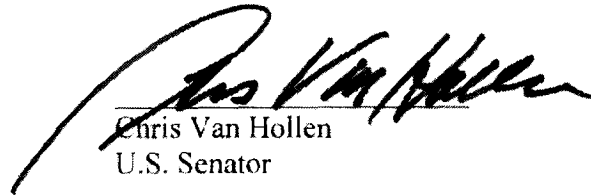
Edward J. Markey
U.S. Senator



Sheldon Whitehouse
U.S. Senator



Kamala D. Harris
U.S. Senator



Chris Van Hollen
U.S. Senator



Al Franken
U.S. Senator



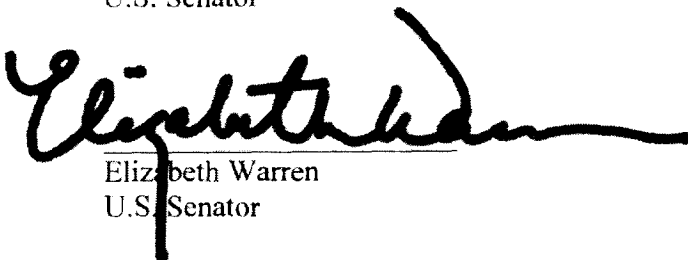
Margaret Wood Hassan
U.S. Senator



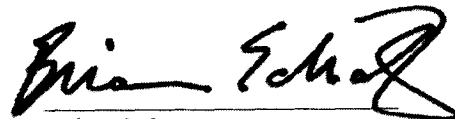
Ron Wyden
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



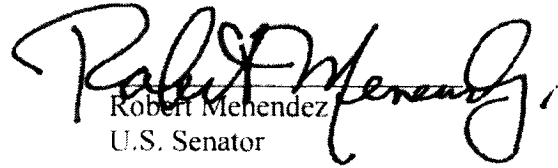
Elizabeth Warren
U.S. Senator



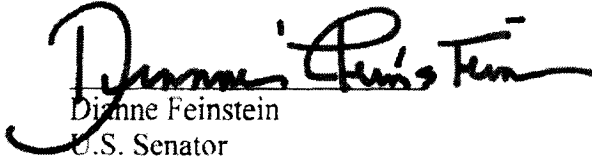
Brian Schatz
U.S. Senator



Maria Cantwell
U.S. Senator



Robert Menendez
U.S. Senator



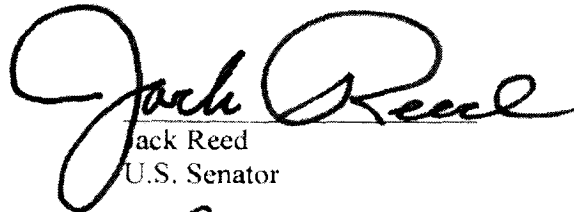
Dianne Feinstein
U.S. Senator



Benjamin L. Cardin
U.S. Senator



Tom Udall
U.S. Senator



Jack Reed
U.S. Senator



Richard Blumenthal
U.S. Senator



Bill Nelson
U.S. Senator



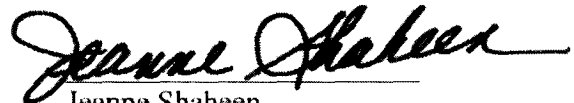
Richard J. Durbin
U.S. Senator



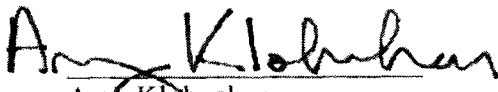
Kirsten Gillibrand
U.S. Senator



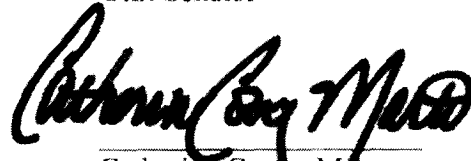
Bernard Sanders
U.S. Senator



Jeanne Shaheen
U.S. Senator



Amy Klobuchar
U.S. Senator



Catherine Cortez Masto
U.S. Senator

Cc: The Honorable Elaine L. Chao, Secretary, U.S. Department of Transportation

Congress of the United States
Washington, DC 20510

January 25, 2018

Alexandra Dunn
Administrator, Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

Dear Ms. Dunn:

We write today regarding the recent letter to Mr. Peter Britz from Mr. Gerardo Millán-Ramos, Remedial Project Manager for the Coakley Landfill Superfund Site, formally requesting a deep bedrock investigation at the site. We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible.

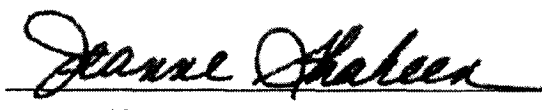
As you are aware, in September 2017, EPA Region 1 released the addendum to the fourth Five-Year Review for the Coakley Landfill Superfund Site. In the addendum, EPA identified that “the knowledge about groundwater flow and the fate and transport of site contaminants of concern (COCs) in the deep bedrock is very limited”. The recommended action outlined in the addendum was that the Coakley Landfill Group, the potentially responsible party (PRP) for the Coakley Landfill Superfund Site, conduct a deep bedrock investigation to address the data gaps and possible transport of contaminants from the site. Since the deep bedrock investigation is projected to take approximately two years, it is essential that the EPA avoid delays in completing this critical work.

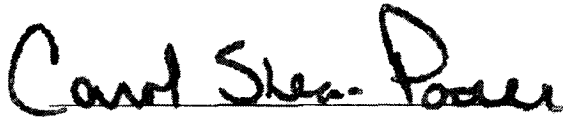
Protecting the health and wellbeing of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.

Thank you for your ongoing efforts at the Coakley Landfill Superfund Site. We look forward to continuing to work with you and EPA Region 1 to address the public health and environmental concerns of Granite Staters.

Sincerely,


Margaret Wood Hassan
United States Senator


Jeanne Shaheen
United States Senator

A handwritten signature in black ink that reads "Carol Shea-Porter". The signature is written in a cursive style with a large, prominent "C" and "P".

Carol Shea-Porter
Member of Congress

A handwritten signature in black ink that reads "Ann McLane Kuster". The signature is written in a cursive style with a large, prominent "A" and "K".

Ann McLane Kuster
Member of Congress

United States Senate

WASHINGTON, DC 20510

March 12, 2018

The Honorable Scott Pruitt
Administrator
U.S Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Administrator:

We write to express our alarm with the Environmental Protection Agency's (EPA) announcement that it seeks to open up for reconsideration two federal safeguards vital to the protection of the children, women and men that labor in agriculture and apply chemicals in agricultural, commercial and residential settings. With the lives of children and families across the country at stake, we urge you to preserve the protections provided by the final Agricultural Worker Protection Standard rule (WPS) and Certification of Pesticide Applicators rule (CPA) (as published in the Federal Register on November 2, 2015 and January 4, 2017, respectively), and to resolve any clarifications needed by the regulated community via additional guidance on the rules.

We recognize the important role that pesticides play in the United States, particularly in the agricultural sector. However, precautions must be taken to safeguard the public and the most exposed and vulnerable populations from pesticide related illness, injury and death caused by these potentially toxic chemicals. To this end, the EPA finalized revisions to the WPS in the fall of 2015, and the CPA rule in January 2017.

To understand the relevance of these two rules, we must first acknowledge the people whose lives they protect and how their training and wellbeing is inextricably linked to our health and safety. The WPS applies to workers and pesticide handlers that labor in farms, fields, nurseries, greenhouses and forests. The CPA rule governs the training and certification requirements of workers who apply Restricted Use Pesticides (RUPs) in, on, or around settings such as homes, schools, hospitals and industrial establishments. These rules protect not only the workers that handle and are exposed to pesticides, but also areas around agricultural land and the children who may incidentally come in contact with the pesticides. From our homes to children's schools and agricultural operations across the nation, these federal protections safeguard our families and weakening them undermines the health and safety of all.

We are concerned that the EPA is unjustifiably reconsidering the minimum age protections that prohibit children from applying pesticides, the right of farmworkers to access pesticide-application information and Safety Data Sheets (SDS) through a designated representative, and protections for bystanders through "application exclusion zones," which requires that an applicator suspend pesticide application if "an unprotected/non-trained person" enters the area around the application equipment. We strongly feel that undermining these important protections cannot be justified, especially considering that the CPA rule governs the training and certification requirements for using RUPs in, on, or in residential settings, schools, hospitals, and industrial establishments.

RUPs are the most toxic pesticides on the market, and their misuse has resulted in serious harm and death. These pesticides are not available for purchase by the general public because they have "the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions." RUPs can only be used by an individual that is a certified pesticide applicator or is under the direct supervision of a certified applicator. These rules were revised to prevent farmworker poisonings and in the aftermath of pesticide misuse that led to serious harm for hundreds of homeowners and their families, and resulted in the tragic deaths of children. These tragic incidents – all of which could have been prevented with stronger safeguards in place – highlight the significance of ensuring that workers who handle pesticides are adequately trained and understand the hazards posed by the chemicals that they are applying so that they can effectively protect themselves and others from occupational and take-home exposures.

Congress specifically intended for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to protect workers and other persons from occupational exposure directly to pesticides or to their residues. Honoring this mandate is crucial to protecting the health and safety of rural communities and the broader public since it is up to the EPA and not the Occupational Safety and Health Administration to set minimum protections from pesticide exposure. Furthermore, without the life-saving requirements provided by the WPS and CPA rules, there is little to deter the unlawful use of hazardous pesticides since FIFRA only authorizes a misdemeanor charge even when pesticide misuse results in death.

Additionally, the agency is ignoring the advice of the Pesticide Program Dialogue Committee—a broadly representative federal advisory committee—that met to discuss these rules, raised the importance of education for the regulated community while echoing consensus about the preservation of the minimum age requirements, the designated representative provision, and the application exclusion zone to protect workers and bystanders from pesticides.

To set the record straight on misleading concerns about these fundamental requirements:

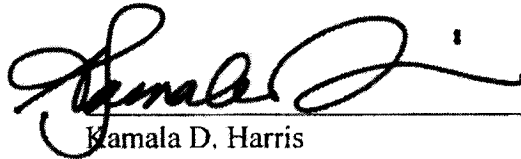
- The new rules prohibit employers from requiring youth under the age of 18 from applying pesticides or performing "early-entry" work in areas where pesticides were recently applied. This is extremely important because pesticides can impact developing brains and bodies. There are currently half a million children under the age of 18 working in agriculture, including some as young as elementary school age. The minimum age requirement in both rules accounts for the needs of family-owned businesses and operators by exempting immediate family of the owner-operator of agricultural establishments, and private or commercial pesticide applicator businesses. Specifically, "immediate family" is broadly defined to include the "owner's spouse, parents, step parents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins."
- The designated representative provision is critically important because there are many reasons why a worker may be unable to access information about the chemicals that they are exposed to, including but not limited to educational and language barriers as well as immigration status, illness or injury. This commonsense safeguard has been denied to farmworkers while workers in other industries have had these protections for decades. The safety information that would be accessible by a designated representative would be non-confidential, non-proprietary information about the pesticide a worker has been exposed to. There are several examples of injured farmworkers who have been denied access to safety information after injury. These farmworkers should be able to access this information on their own or through a representative that they trust, such as a co-worker, spouse, healthcare provider, union representative, social worker, or attorney.
- The application exclusion zone merely requires the common-sense precaution that if someone is applying pesticides and sees workers or other people around the equipment, they should try to avoid spraying them by suspending the application and resuming after a non-trained and unprotected person leaves the area. EPA does not account for workers or bystanders being sprayed with pesticides when it conducts risk assessments or registration decisions because it "assumes" that these exposures do not happen. Yet it is taking steps to undo one of the most meaningful safeguards against such exposures.

We ask that you protect the health and safety of children, workers, and consumers by preserving the final Agricultural Worker Protection Standard and the Certification of Pesticide Applicators rule. We look forward to receiving your response.

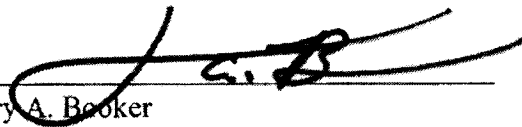
Respectfully,



Tom Udall



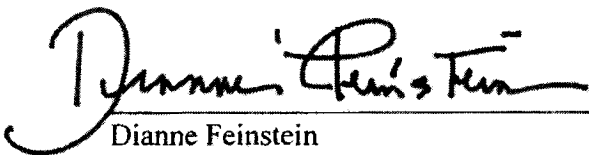
Kamala D. Harris



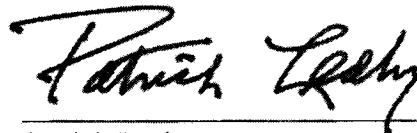
Cory A. Booker



Richard Blumenthal



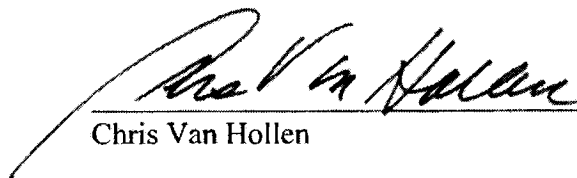
Dianne Feinstein



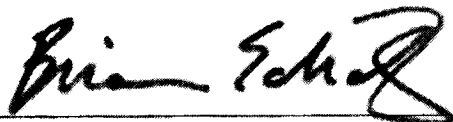
Patrick Leahy



Richard J. Durbin



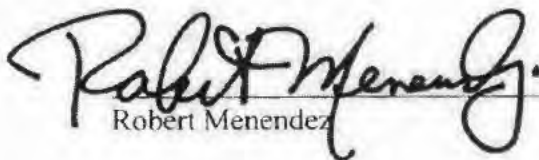
Chris Van Hollen



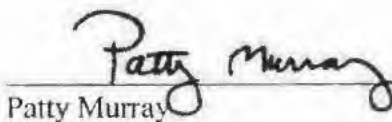
Brian Schatz

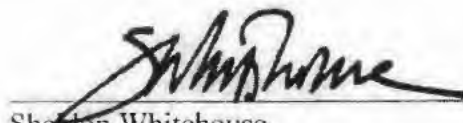


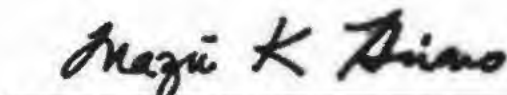
Elizabeth Warren

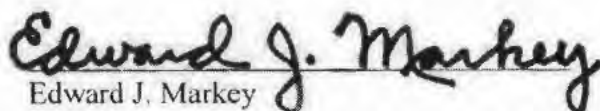

Robert Menendez

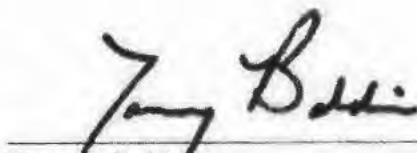

Kirsten Gillibrand


Patty Murray

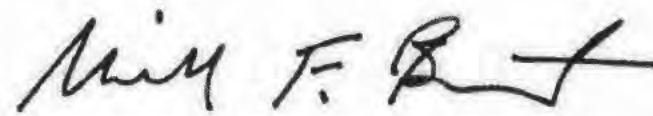

Sheldon Whitehouse



Mazie K. Hirono



Edward J. Markey

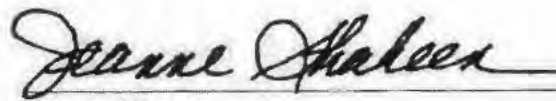

Tammy Baldwin

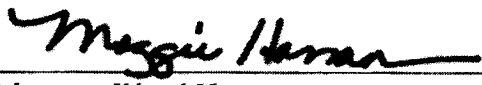

Bernard Sanders


Michael F. Bennet

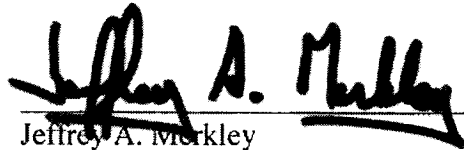

Jack Reed


Ron Wyden

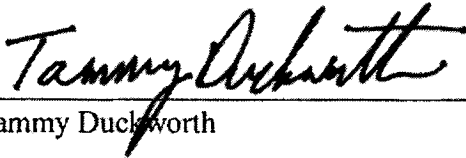

Jeanne Shaheen



Margaret Wood Hassan



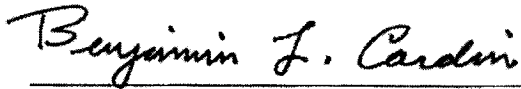
Jeffrey A. Morkley



Tammy Duckworth



Martin Heinrich



Benjamin L. Cardin



Maria Cantwell

United States Senate

WASHINGTON, DC 20510

April 13, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write regarding the serious public health concerns related to groundwater contamination from Per- and Polyfluoroalkyl Substances (PFAS) in communities and on Department of Defense (DOD) installations across our states, and to urge you to take swift action to address these concerns.

Some of these chemicals are included in the manufacture of aqueous film forming foam (AFFF), which has been used in training exercises and to extinguish fires in places such as commercial airports and military installations. Two types of PFAS, Perfluorooctanoic Acid (PFOA) and Perfluorooctyl Sulfonate (PFOS), are included on the Environmental Protection Agency's (EPA) Contaminant Candidate List (CCL), which lists potentially harmful contaminants, but does not require them to be regulated under the Safe Drinking Water Act.


In 2016, the EPA established a lifetime health advisory (LHA) of 70 parts per trillion for concentrations of PFOA and PFOS in drinking water. However, the LHA is not legally enforceable and cannot be used to determine remediation responsibilities and transfers of surplus DOD property under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At this time, a handful of states have established their own cleanup standards that are more stringent than those under the LHA. While we applaud these states for taking action, we are concerned that the EPA has not yet declared a federal maximum contaminant level (MCL). A science-based MCL would provide a clear and enforceable nationwide standard for permissible levels of these contaminants. An MCL would also inform remediation decisions for sites under CERCLA. DOD has identified military installations for cleanup and remediation, yet is unable to move forward under CERCLA without an MCL. DOD has also highlighted the need for the Office of Land and Emergency Management to determine a cleanup number, which we strongly support. Without an MCL and cleanup number, the unintended result is that many military communities across the country remain in limbo.


In December 2017, the EPA announced a cross-agency effort to address PFAS contamination, saying that it would "build on the work that the Agency has done to establish non-regulatory drinking water health advisories for PFOA and PFOS." While we are encouraged that the agency recently announced its intention to convene a National Leadership Summit on PFAS, more urgent action is still needed. We urge you, as a part of your efforts, to expeditiously declare an MCL for all PFAS, based on rigorous scientific evidence, as well as a cleanup number from the Office of Land and Emergency Management. This will provide all states, and our local communities, with much-needed certainty to move forward on remediation activities and protection regimes for drinking water systems.

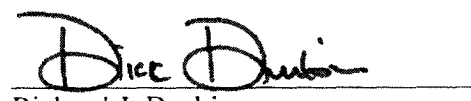
Thank you for your prompt attention to this important matter.


Sincerely,

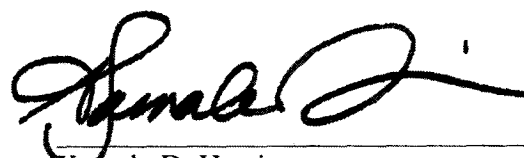

Jack Reed
U.S. Senator


Debbie Stabenow
U.S. Senator

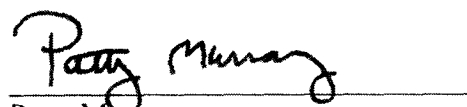

Elizabeth Warren
U.S. Senator



Richard J. Durbin
U.S. Senator

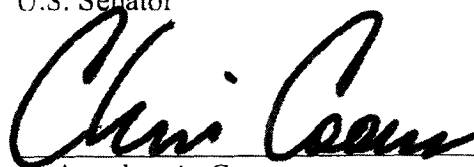

Joe Manchin III
U.S. Senator



Kamala D. Harris
U.S. Senator



Kirsten Gillibrand
U.S. Senator

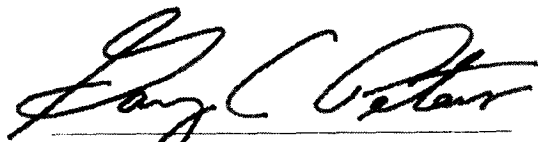

Patty Murray
U.S. Senator

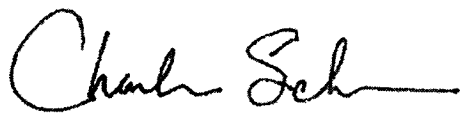

Thomas R. Carper
U.S. Senator

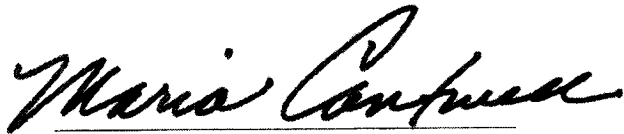

Christopher A. Coons
U.S. Senator


Robert P. Casey, Jr.
U.S. Senator


Tammy Duckworth
U.S. Senator


Gary C. Peters
U.S. Senator


Charles E. Schumer
U.S. Senator



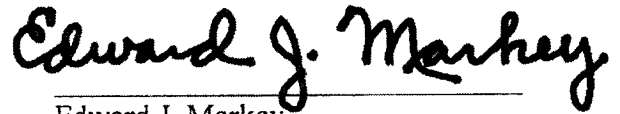
Maria Cantwell
U.S. Senator



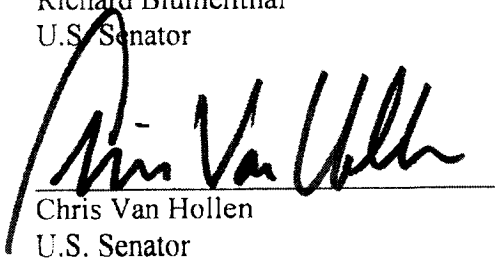
Bernard Sanders
U.S. Senator



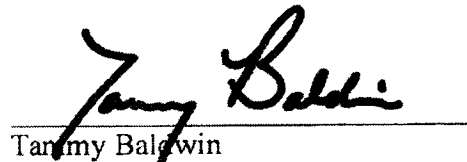
Richard Blumenthal
U.S. Senator



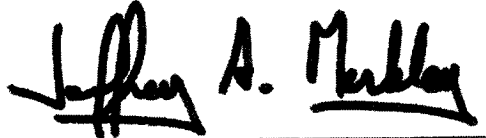
Edward J. Markey
U.S. Senator



Chris Van Hollen
U.S. Senator



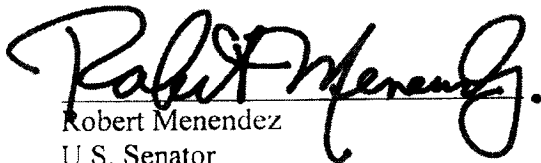
Tammy Baldwin
U.S. Senator



Jeffrey A. Merkley
U.S. Senator



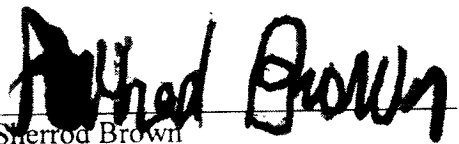
Margaret Wood Hassan
U.S. Senator



Robert Menendez
U.S. Senator



Jeanne Shaheen
U.S. Senator



Sherrod Brown
U.S. Senator

United States Senate

WASHINGTON, DC 20510

May 15, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

We are writing in response to a troubling report¹ that officials from the White House, Office of Management and Budget, Environmental Protection Agency (EPA) and Department of Defense (DOD) intervened in order to delay the release of a study by the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry (ATSDR) concerning the health effects of perfluoroalkyl substances (PFAS). The unreleased HHS assessment reportedly concludes that those chemicals pose a danger to human health at a far lower level than EPA has previously said was safe. If this report is accurate and administration officials sought to suppress release of critical public health information in the interest of avoiding a "public relations nightmare," it is an unacceptable failure of leadership and a failure to protect public health.

Perfluoroalkyl substances, or PFAS, are a class of toxic chemicals affecting communities across the nation. These chemical substances are linked to certain cancers and other serious adverse health effects. They are often used to manufacture products like fabric protectors, firefighting foam, and stain repellents due to rigorous chemical properties that also make them persistent in the environment and resistant to degradation.

ATSDR is directed by Congressional mandate to perform specific functions concerning the effect on public health of hazardous substances in the environment, including health consultations concerning specific hazardous substances. According to internal EPA emails that were released to the Union of Concerned Scientists under the Freedom of Information Act, on January 30, 2018, a political appointee who oversees environmental issues at the White House Office of Management and Budget, forwarded an email from another White House aide about the ATSDR's PFAS report to the Environmental Protection Agency's (EPA) top financial officer, which stated:

"The public, media, and Congressional reaction to these numbers is going to be huge...The impact to EPA and DoD is going to be extremely painful. We (DoD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be."

The ATSDR report still has not been publicly released. Given the scope of the contamination nationwide and the ongoing exposure of communities across the United States to these chemicals, it is imperative that the public receive an opportunity to review the ATSDR report. Therefore, we request that you release the draft report immediately. We also request that you

¹ <https://www.politico.com/story/2018/05/14/emails-white-house-interfered-with-science-study-536950>

provide our offices with all internal documents and communications in your agency's possession regarding any internal deliberations or discussion about this report within 10 business days.

Thank you for your attention to this matter, and we look forward to receiving your response soon.

Sincerely,



Kirsten Gillibrand
United States Senator



Thomas R. Carper
United States Senator



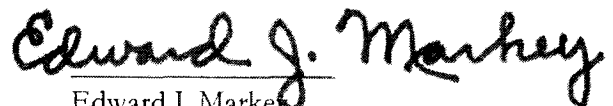
Charles E. Schumer
United States Senator



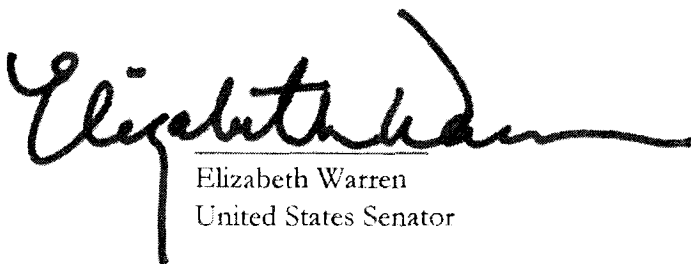
Debbie Stabenow
United States Senator



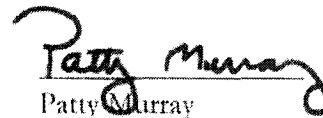
Jeanne Shaheen
United States Senator



Edward J. Markey
United States Senator



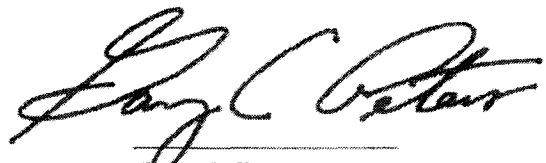
Elizabeth Warren
United States Senator



Patty Murray
United States Senator



Bernard Sanders
United States Senator



Cory C. Peters
United States Senator

A handwritten signature in black ink, reading "Maggie Hassan" with a long horizontal flourish at the end.

Margaret Wood Hassan
United States Senator

United States Senate

WASHINGTON, DC 20510

May 14, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to respectfully request the Environmental Protection Agency (EPA) extend the comment deadline to July 30, 2018 on the proposed rule "Strengthening Transparency in Regulatory Science," docket number EPA-HQ-OA-2018-0259, and hold one or more public hearings.

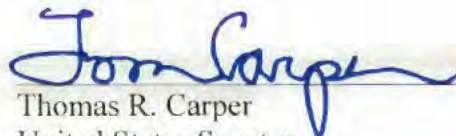
This proposed rule is expected to have a significant effect on the types and number of scientific studies EPA considers during rulemaking. The rule also implicates patient privacy. With these concerns in mind, many public health groups, including the American Lung Association, the American Medical Association, the American Academy of Pediatrics, the American College of Preventive Medicine, the American Thoracic Society, and the American Public Health Association, have similarly requested an extension of the comment deadline and public hearings.

EPA would be well served by giving stakeholders adequate time to draft and submit thorough, well-reasoned comments and by conducting at least one hearing to hear public feedback. Doing so will help ensure that EPA receives the highest quality comments from the broadest array of stakeholders.

Sincerely,



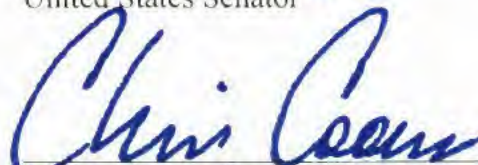
Sheldon Whitehouse
United States Senator



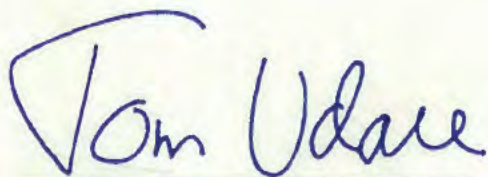
Thomas R. Carper
United States Senator



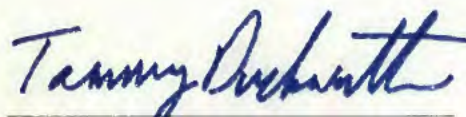
Tammy Baldwin
United States Senator



Christopher A. Coons
United States Senator



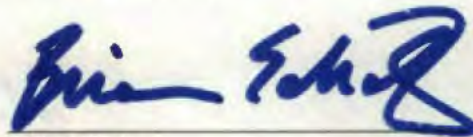
Tom Udall
United States Senator



Tammy Duckworth
United States Senator



Margaret Wood Hassan
United States Senator



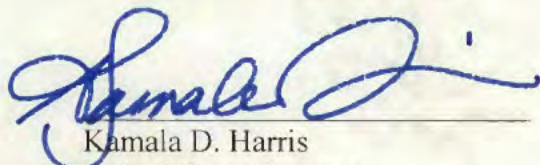
Brian Schatz
United States Senator



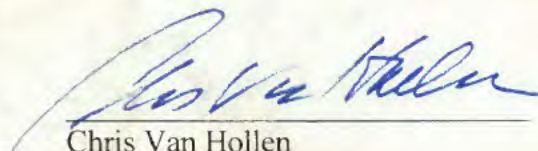
Mazie Hirono
United States Senator



Richard J. Durbin
United States Senator



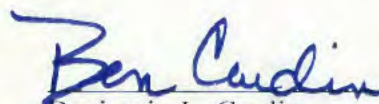
Kamala D. Harris
United States Senator



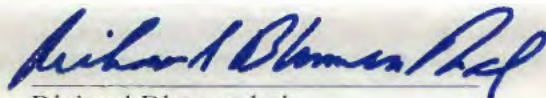
Chris Van Hollen
United States Senator



Debbie Stabenow
United States Senator



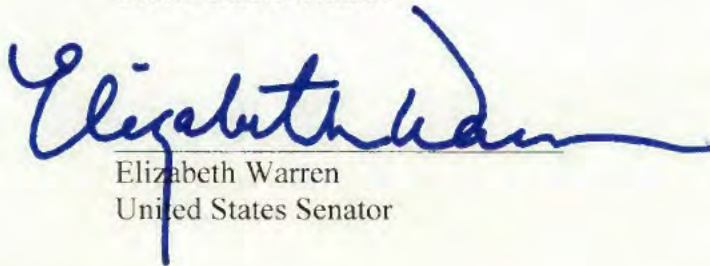
Benjamin L. Cardin
United States Senator



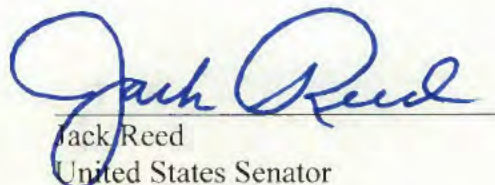
Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



Jack Reed
United States Senator

Edward J. Markey

Edward J. Markey
United States Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

United States Senate

WASHINGTON, DC 20510

June 29, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write today to thank the Environmental Protection Agency (EPA) for hosting the first per- and polyfluoroalkyl substances (PFAS) community engagement event in Exeter, New Hampshire.

Granite Staters have been national leaders in advocating for the health and safety of their families and neighbors, and this productive forum was an important first step in ensuring that communities impacted by PFAS contamination have a seat at the table and an opportunity for their voices to be heard. We are hopeful that the EPA will take the concerns and recommendations that were raised by community leaders, as well as state and local officials, to help inform future meaningful federal action on these chemicals. This includes advancing conversations and solutions that consider the entire class of PFAS chemicals.

As you know, PFAS contamination in drinking water is an issue not only in our home state of New Hampshire, but across the country. It is critical for the EPA to take immediate action to protect citizens from further contamination and ensure that responsible parties are held liable for addressing any resulting health and safety concerns.

In order to address this problem, the EPA has said it is "beginning the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." By doing so, PFAS will be covered under the EPA's CERCLA, and therefore require responsible parties to be held accountable for any future release. It is appropriate that the EPA evaluates the necessary steps for such a designation, which has support throughout communities affected by PFAS contamination, and we respectfully request additional information about the steps and timeline the EPA is taking to consider this proposal.

As EPA staff travels to other communities impacted by PFAS contamination, we encourage the agency to continue listening, and to not lose sight of the urgent need to move forward in protecting our citizens and our natural resources from these toxic chemicals. Hosting similar events in other regions of the country is important, but we hope that the agency will take action

to address PFAS concurrently with future engagement events instead of waiting until they are all completed.

Thank you for your attention to this matter. We look forward to hearing more about what next steps the EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,

A handwritten signature in black ink, appearing to read "Maggie Hassan", written over a horizontal line.

Margaret Wood Hassan
United States Senator

A handwritten signature in black ink, appearing to read "Jeanne Shaheen", written over a horizontal line.

Jeanne Shaheen
United States Senator

United States Senate

WASHINGTON, DC 20510

July 12, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

As you take on your new responsibilities as Acting Administrator of the Environmental Protection Agency (EPA), we write to voice our continued concerns on an issue that is particularly critical in our home state of New Hampshire but is also impacting communities across the country.

As you know, per and polyfluoroalkyl substances (PFAS) contamination in drinking water continues to be a serious health hazard. Once used for a variety of commercial and industrial applications, PFAS chemicals have been associated with birth defects, various forms of cancer and immune system dysfunction. While EPA has established drinking water health advisory levels for two PFAS chemicals, perfluorooctanoic acid or perfluorooctanesulfonic acid, there is a critical need to better understand and address any potential adverse health effects these contaminants may have on our communities and to continue evaluating existing standards.

We have written former Administrator Pruitt many times to object to agency actions we believe would stymie EPA's ability to effectively regulate PFAS materials under the Toxic Substances Control Act, or promulgate new drinking water health advisories or standards for PFAS chemicals, as required by the Safe Drinking Water Act. Further details can be found in the enclosed correspondence. Furthermore, we are deeply troubled by reports that EPA officials intervened in order to delay the release of toxicological studies conducted by the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry concerning the health effects of four PFAS chemicals.

As the lead federal agency tasked with protecting human health and the environment, EPA must reassure Americans that the agency's decisions are in their best interest and not a result of industry pressure or political influence. As you step into your new role, we request that you take the appropriate steps necessary to understand and address the PFAS contamination problem facing the nation.

We also urge you to continue EPA's initiative to develop a PFAS Management Plan that will improve the characterization of risks from these chemicals, refine PFAS monitoring and remediation techniques and support the work being done at the state and local levels to address


widespread contamination. In doing so, we encourage you to provide additional community engagement forums on PFAS, similar to the one held last month in Exeter, New Hampshire. Incorporating the concerns and recommendations voiced during these meetings will be integral to ensuring that federal policies on PFAS have positive state and local effects.

It is imperative that the change in leadership at the EPA does not interrupt the agency's efforts to protect our citizens from further contamination, efforts that still need to be strengthened, expanded, and accelerated. We respectfully request that you respond to the following items within thirty days. Please provide:

- A clear description of how you plan to improve the EPA's response to PFAS contamination;
- A plan for how your agency will build on its recent efforts — which included a PFAS Summit in New Hampshire—to make the EPA and yourself available to Granite Staters as they address the impact of these contaminants;
- A plan for EPA's further community engagement in New Hampshire so that Granite Staters can have direct input and the opportunity to have their voices heard;
- A description of what is being done to advance solutions to this challenge that considers the entire class of PFAS and not just individual chemicals;
- A further description of what EPA is doing to, in its words, to begin "the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." This description should include your estimate of when the EPA will make such a determination.

Thank you for your attention to this matter. We look forward to hearing from you about what next steps EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,



Margaret Wood Hassan
United States Senator



Jeanne Shaheen
United States Senator

Enclosures

United States Senate

WASHINGTON, DC 20510

November 15, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1301 Constitution Ave. NW
Washington, DC 20460

Dear Acting Administrator Wheeler:

We write to request information about the Environmental Protection Agency's (EPA's) recent dismissal and appointment of members to its Clean Air Scientific Advisory Committee (CASAC), its decision to disband two key scientific air pollution advisory panels, and its invitation for public comment on the nomination of 174 scientists to EPA's Science Advisory Board.¹ These actions, taken together with past similar actions, could have the effect of jeopardizing the environment and human health, because they are likely to result in the replacement of renowned scientists who can provide EPA with advice on how to best protect people from the effects of environmental pollution with less qualified, industry representatives who may also have conflicts of interest.

There have been frequent efforts to understand the manner in which EPA is removing and appointing scientists on its federal advisory committees:

- In letters sent to then-Administrator Pruitt in May 2017, Senators Carper², Shaheen, and Hassan³ expressed deep concern about EPA's abrupt dismissal of twelve scientists from EPA's Board of Scientific Counselors, and Senator Carper requested all documents "related to any EPA plans or consideration of plans not to renew the terms of any member of any of EPA's other boards or panels."
- In July 2017, the Government Accountability Office (GAO) accepted a request from 10 Senators⁴ to review EPA's process for selecting federal advisory committee members.
- After EPA announced⁵ on October 31, 2017 that it would ban scientists from serving on federal advisory committees if they received research funding from EPA, 10 Senators

¹ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

² <https://www.epw.senate.gov/public/index.cfm/2017/5/carper-questions-epa-s-abrupt-dismissal-of-scientists-from-agency-board>

³ <https://www.shaheen.senate.gov/imo/media/doc/5-18-17%20Letter%20Dismissal%20off%20EPA%20BOSC%20members.pdf>

⁴ <https://www.whitehouse.senate.gov/news/release/senators-call-on-government-watchdog-to-examine-independence-of-epa-advisory-committees>

⁵ https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf

asked⁶ GAO to expand its probe in order to consider several questions concerning the impact of that policy on EPA's 22 federal advisory committees.

- On January 9, 2018, Senators Carper and Whitehouse sent a letter⁷ to EPA asking about the appointment of two scientists—Drs. Louis Anthony (Tony) Cox, Jr., a researcher for the petroleum industry, and S. Stanley Young, a researcher for the pharmaceutical and petroleum industry—to the CASAC and Scientific Advisory Board.⁸ According to internal EPA documents, EPA career staff believed that Drs. Cox and Young may have financial conflicts of interest, may risk an appearance of a lack of impartiality, and may lack the scientific expertise necessary to serve on one or more Federal Advisory Committees.
- On February 14, 2018, Senators Carper and Whitehouse sent⁹ GAO information about Dr. Cox and Dr. Larry Wolk, who, according to internal EPA documents released by the Senators, was criticized for having “no direct experience in health effects of air pollution,” among other things.

There have also been more recent changes to CASAC's membership. On October 10, 2018, EPA announced the appointment of five new members to its CASAC, and the unusual dismissal of three qualified scientists from that committee. Specifically, you removed Judith Chow, Ivan Fernandez, Elizabeth Sheppard from CASAC—all of whom were eligible to serve for another three years—and additionally removed Larry Wolk.

In their place, you appointed Dr. Sabine Lange from the Texas Commission on Environmental Quality and Dr. Steven Packham from the Utah Department of Environmental Quality.¹⁰ Both appointments raise serious concerns related to whether Drs. Lange and Packham should be serving on this Committee. According to documents obtained by the Senate Committee on Environment and Public Works¹¹, EPA career staff warned that Dr. Lange has “no direct experience serving on national scientific committees” and may have a “possible issue with an appearance of a lack of impartiality” given her publications and presentation on standards for criteria pollutants and her employer's well-established views and positions on various National Ambient Air Quality Standards. Dr. Lange has said that lowering the smog health standard from

⁶ <https://www.whitehouse.senate.gov/news/release/senators-to-gao-examine-pruitts-science-advisory-board-double-standard>

⁷ <https://www.carper.senate.gov/public/index.cfm/2018/1/after-pruitt-bars-scientists-with-epa-grants-from-advisory-committees-carper-and-whitehouse-highlight-concerns-with-new-epa-appointees-conflicts-of-interest>

⁸ <https://yosemite.epa.gov/sab/sabpeople.nsf/webcommittees/CASAC>

⁹ https://www.epw.senate.gov/public/_cache/files/9/2/92393cc8-538a-4631-ad4c-0a57f8b8e676/3BC9F5D8E67D5EA1329CFE774AAA5228.carper-whitehouse-send-new-internal-epa-documents-to-gao.pdf

¹⁰ <https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee>

¹¹ https://www.epw.senate.gov/public/_cache/files/9/2/92393cc8-538a-4631-ad4c-0a57f8b8e676/3BC9F5D8E67D5EA1329CFE774AAA5228.carper-whitehouse-send-new-internal-epa-documents-to-gao.pdf

75 parts per billion (ppb) to 70 ppb “will not measurably impact public health,”¹² has disputed that short-term exposure to smog pollution was linked to respiratory mortality and total mortality,¹³ and is considered by some to have “extreme” views regarding the harmfulness of ozone (smog) pollution and the need for protective health standards.¹⁴

Dr. Packham holds similarly troubling views. In 2014, he presented a poster about air quality and outdoor exercise with the conclusion being that positive effects of exercise outweigh risks of exposure to air pollution—minimizing the impact that air pollution can have on the healthiest and unhealthiest among us. He has also said that individuals can generally deal with increased air pollution, and that while such pollution “can take years off your life” you “don’t drop dead.” He has also downplayed spikes in formaldehyde presence in Utah.

The appointment of these two scientists (and removal of highly qualified scientists) is particularly concerning in light of EPA’s October 10, 2018 announcement¹⁵ that it would disband its Particulate Matter Review Panel and the Ozone Review Panel, which are comprised of outside scientists that have assisted EPA with its statutory obligation under the Clean Air Act to review the adequacy of EPA’s standards for six common air pollutants, including particulate matter and ozone. Instead, EPA announced that CASAC – which is now populated with scientists who are generally in favor of lower pollution standards – will serve that function instead.¹⁶ Importantly, Dr. Cox remains the Chair of CASAC, despite a recent investigative report finding that just this year Dr. Cox made claims along the lines “that researchers are overstating the dangers of air pollution,” that “his own statistical modeling of health data found no connection between dirty air and respiratory problems or heart attacks,” that “there is no proof that cleaning air saves lives,” that “there’s no link between fine particle pollution and human health,” and that “the health benefits from reducing ozone are “exaggerated.”¹⁷

Most recently, EPA also announced the nomination of 174 scientists to EPA’s Science Advisory Board, which provides independent scientific and technical advice to the EPA Administrator on EPA’s major programs.¹⁸ This list includes several problematic nominees, including: Dr. James Enstrom, who has served as a policy adviser for the Koch-funded Heartland Institute and “has received funding from the tobacco industry to produce research that downplays the risks of secondhand smoke,” and has determined that the PM2.5 NAAQS is “scientifically unjustified”¹⁹;

¹² <https://www.energyindepth.org/wp-content/uploads/2015/06/Shaw-Lange-and-Honeycutt-EM-2015-Ozone-Health-Benefits.pdf>

¹³ <https://www.energyindepth.org/wp-content/uploads/2015/06/Shaw-Lange-and-Honeycutt-EM-2015-Ozone-Health-Benefits.pdf>

¹⁴ <https://twitter.com/jwalkenrdc/status/1050456077970657287>

¹⁵ <https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee>

¹⁶ <https://www.eenews.net/stories/1060102455>

¹⁷ <https://www.revealnews.org/article/trumps-air-pollution-adviser-clean-air-saves-no-lives/>

¹⁸ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

¹⁹ [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/\\$File/LOCpostSABFY2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentBOARD/593858E2F8E40BB8852582BA006B57E5/$File/LOCpostSABFY2019.pdf)

Dr. William Happer, who helped former EPA Administrator Scott Pruitt develop the red-team concept and heads the CO2 Coalition, which has received funding to argue that "[m]ore carbon dioxide levels will help everyone, including future generations of our families"²⁰; and Dr. Richard Belzer, whose recent clients include Exxon Mobil, the American Chemistry Council and Fitzgerald Glider Kits, which is pushing EPA to roll back air pollution protections on heavy trucks.²¹

At least one academic analysis of EPA since the beginning of the Trump administration has concluded that EPA is already demonstrating signs of being influenced by the industries it regulates.²² By turning to industry-funded scientists and lobbyists to staff the agency and provide it scientific advice, EPA does little to enhance its credibility as an independent government agency acting to protect the environment and public health. And it is hard to see how the agency will be entitled to deference in court when it seeks to defend rules that show signs of being written and endorsed by industry.

So that we can understand EPA's decision-making process with regard to its federal advisory committees, we ask that you provide us with responses to the following questions and requests for information no later than close of business on December 17, 2018:

1. Please provide us with all documents that are related to EPA's decisions to appoint or not to reappoint any members of any of its federal advisory committees, including but not limited to documents relevant to EPA's assessment of advisory committee nominees' potential conflicts of interest or lack of impartiality. Please provide us with updated responses to this request on a quarterly basis.
2. Please provide a detailed description of the internal process EPA uses to select members for its federal advisory committees, including the manner in which the input of EPA's career staff is solicited and utilized. Please provide us with a copy of all documents that memorialize all or part of this internal selection process.
3. Please provide a detailed explanation as to why EPA has determined to eliminate the Particulate Matter Review Panel and the Ozone Review Panel. Please provide us with all documents that are related to any plan to eliminate either panel. Going forward, for any analogous panel EPA determines to eliminate, please provide us with documents related to that decision.

For purposes of this letter, "documents" includes, but is not limited to, comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, meeting minutes and calendars, photographs, slides and presentations sent or received by or within EPA (including documents sent or received by members of EPA's beach-head and transition teams).

²⁰ <https://co2coalition.org/frequently-asked-questions/#1465245604826-64586917-ba84>

²¹ <https://www.eenews.net/climatewire/2018/10/18/stories/1060103611>

²² Lindsey Dillon, et al., "The Environmental Protection Agency in the Early Trump Administration: Prelude to Regulatory Capture," *American Journal of Public Health* (April 2018)


Thank you very much for your attention to this important matter. If you have any questions or concerns, please contact or have your staff contact Michal Freedhoff of the Environment and Public Works Committee staff, at 202-224-8832.


Sincerely,

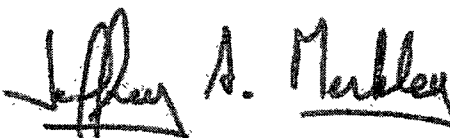

Tom Carper
United States Senate


Sheldon Whitehouse
United States Senate


Edward J. Markey
United States Senate

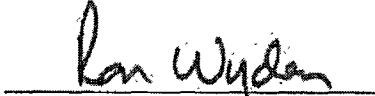

Margaret Wood Hassan
United States Senate

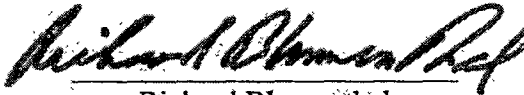

Elizabeth Warren
United States Senate


Jeffrey A. Merkley
United States Senate


Kirsten Gillibrand
United States Senate

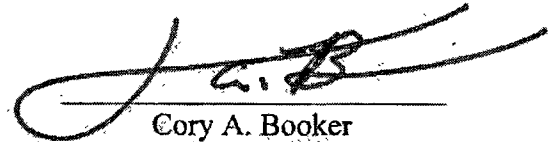

Chris Van Hollen
United States Senate


Ron Wyden
United States Senate

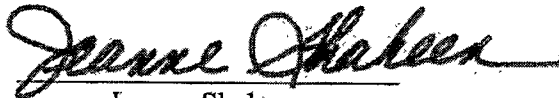

Richard Blumenthal
United States Senate



Kamala D. Harris
United States Senate



Cory A. Booker
United States Senate



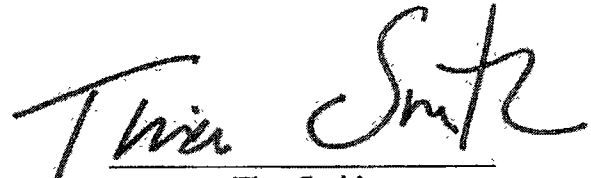
Jeanne Shaheen
United States Senate



Mazie K. Hirono
United States Senate



Tammy Duckworth
United States Senate



Tina Smith
United States Senator

Congress of the United States
Washington, DC 20510

February 26, 2020

The Honorable Dennis Deziel
Regional Administrator
Environmental Protection Agency- Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

Dear Administrator Deziel:

We write to request a 30-day extension of the March 9, 2020 deadline to submit comments on the Draft National Pollutant Discharge Elimination System (NPDES) Great Bay Total Nitrogen General Permit. Given the importance of Great Bay and the impact that this permit could have on the NH Seacoast Region, it is vital that all interested parties be given a chance to fully weigh in on the contents of the permit and have time to provide substantial feedback.

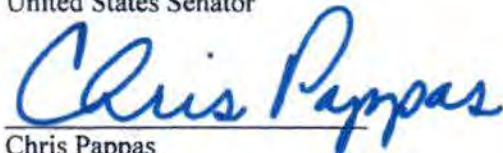
It has come to our attention that several New Hampshire municipalities are currently in the process of fully reviewing the draft NPDES permit and would like more time to finish their reviews and articulate comments for the record. As your staff heard during the February 19th public hearing, there are several New Hampshire cities and towns that still need to brief elected town councils on the contents of the permit and gather feedback. There are also small towns impacted by this draft permit that do not have the technical staff or capacity to review the permit on their own. These towns must look outside of their government structures to partner groups for assistance, which requires time and resources. In order to receive the most thorough and scientific comments possible, we believe it is important to give these municipalities more time to finish their review processes.

The Great Bay Estuary is the backbone of NH's Seacoast Region and we appreciate all that the EPA has done to engage municipalities and other stakeholder groups to protect this vital resource. Each municipality and organization takes the health of Great Bay seriously, as can be seen in the considerable actions that many have already taken to reduce total nitrogen levels. Given the potential level of impact to the Seacoast's growing population, it is in the best interest of all parties to allow substantial time to continue the dialogue on this important issue. We thank you for your consideration and look forward to continuing to work with you on this important issue.

Sincerely,



Jeanne Shaheen
United States Senator



Chris Pappas
Member of Congress



Margaret Wood Hassan
United States Senator

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
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MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

July 31, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1301 Constitution Ave. NW
Washington, DC 20460

Dear Administrator Wheeler:

I write to ask about the Environmental Protection Agency's (EPA's) telework policies before and during the coronavirus pandemic, and its plans for telework during reopening and beyond. EPA has been making major changes to its telework policies; before the pandemic, it had significantly reduced telework, then in response to the pandemic, it has maximized telework. Now, EPA has begun a phased reopening of its offices. I would like more information about EPA's decision-making processes related to telework and its plans going forward.

Before circumstances necessitated maximum telework, EPA had begun to restrict employee access to it. A February 27, 2020 order limits non-bargaining-unit employees to no more than two days of telework per week.¹ A pending bargaining agreement between EPA and American Federation of Government Employees would implement similar restrictions for bargaining-unit employees.² Both of these rules are a significant change from the previous policy permitting employees to telework up to full-time.³

Like many other employers, when COVID-19 hit, EPA authorized maximum telework for all eligible employees.⁴ In fact, 96 percent of EPA employees have been able to telework during the pandemic.⁵ This is truly unprecedented, and I commend EPA for rapidly implementing a strong telework program in response to the pandemic.

On May 21, 2020, EPA announced a plan for a three-phase reopening of its offices.⁶ The plan offers maximum telework during phases one and two, with most employees returning to the office in phase three.

¹ Environmental Protection Agency, *Work Schedules at the Environmental Protection Agency*, Classification No. 3162, 6 (Feb. 27, 2020), https://www.eenews.net/assets/2020/03/23/document_gw_01.pdf.

² Kevin Bogardus, *Union presidents vote to approve contract*, E&E News (Jun. 12, 2020), <https://www.eenews.net/greenwire/stories/1063376627>.

³ Environmental Protection Agency, *U.S. Environmental Protection Agency Telework Policy*, Order No. 3110.32, 8-10 (Jan. 26, 2016, revised Apr. 23, 2017), https://www.eenews.net/assets/2019/09/12/document_gw_16.pdf.

⁴ See Lia Russell, *Agencies respond to White House telework guidance*, FCW (Mar. 16, 2020), <https://fcw.com/articles/2020/03/16/agencies-respond-telework-guidance.aspx>. See also Kevin Bogardus, *Policy to limit telework emerges during pandemic*, E&E News (Mar. 23, 2020), <https://www.eenews.net/stories/1062681577>.

⁵ Kate Polit, *EPA Makes the Jump to 96% Telework*, MeriTalk (Apr. 22, 2020), <https://www.meritalk.com/articles/epa-makes-the-jump-to-96-telework/>.

⁶ Kevin Bogardus, *EPA starts 'measured and deliberate' reopening*, E&E News (May 22, 2020), <https://www.eenews.net/stories/1063205377>.

I want to know more about the reasoning for these changes, lessons learned, EPA's reopening plan, and its plans for telework. I would like responses to the following questions by August 31, 2020.

1. Before the pandemic, what motivated EPA to reduce its telework policy from up to full-time telework for eligible employees to a maximum of two days per week?
2. Did EPA complete a cost-benefit analysis of this policy change, including consulting with relevant stakeholders, before announcing the changes and moving to implement them? If not, why not? If so, please provide a summary of the cost-benefit analysis.
3. How has operating with 96 percent of employees on full-time telework impacted agency operations and productivity?
4. What lessons has EPA learned from operating with so many employees on full-time telework during the pandemic?
5. Based on those lessons, does EPA still intend to limit telework in the future to a maximum of two days per week? Why or why not? If yes, at what point during the phased reopening do you anticipate that the two-day maximum will go back into effect?

I appreciate your attention to this important issue and look forward to a response.

Sincerely,



Margaret Wood Hassan
Ranking Member
Federal Spending Oversight and
Emergency Management Subcommittee

Congress of the United States

Washington, DC 20510

October 28, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Administrator Wheeler:

We write to urge you once more to include electricity in the Renewable Fuel Standard (RFS) program in time for electricity producers to participate in the 2020 market.

More must be done to ensure that biofuels producers have access to the markets. Congress intended electricity to be part of the program when it passed RFS2 in 2007 as part of the Energy Independence and Security Act. Congress mandated a renewable volume obligation of 8.5 billion gallons for 2019 for the cellulosic fuel category, where most electricity would qualify. However EPA has achieved only 418 million gallons for this year. It is well past time for the EPA to include electricity in the renewable volume obligations.

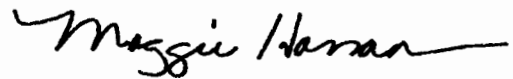
Failing to include electricity has had, and will continue to have, dire consequences for electricity producers who cannot participate in the program and the supply chains that rely on them. Biomass, biogas and waste-to-energy producers are making biofuels available for transportation but are receiving no credit under the RFS for doing so. This puts rural jobs and local government infrastructure at risk in vital sectors of our economy, including farming, forestry, logging and waste-to-energy.

As the Administration considers changes to the 2020 Renewable Volume Obligation, including electricity should be a top priority.

Sincerely,



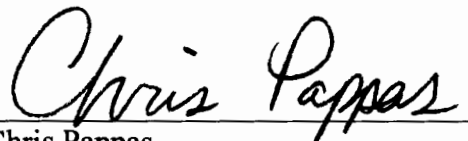
Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Ann McLane Kuster
Member of Congress



Chris Pappas
Member of Congress

Cc: Sonny Perdue, Secretary, U.S. Department of Agriculture
Stephen Censky, Deputy Secretary, U.S. Department of Agriculture
Francis Brooke, Special Assistant to the President for Economic Policy
Joe Grogan, Assistant to the President, Director of the Domestic Policy Council
Anne Idsal, Acting Assistant Administrator for the Office of Air and Radiation

United States Senate

WASHINGTON, DC 20510

June 29, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write today to thank the Environmental Protection Agency (EPA) for hosting the first per- and polyfluoroalkyl substances (PFAS) community engagement event in Exeter, New Hampshire.

Granite Staters have been national leaders in advocating for the health and safety of their families and neighbors, and this productive forum was an important first step in ensuring that communities impacted by PFAS contamination have a seat at the table and an opportunity for their voices to be heard. We are hopeful that the EPA will take the concerns and recommendations that were raised by community leaders, as well as state and local officials, to help inform future meaningful federal action on these chemicals. This includes advancing conversations and solutions that consider the entire class of PFAS chemicals.

As you know, PFAS contamination in drinking water is an issue not only in our home state of New Hampshire, but across the country. It is critical for the EPA to take immediate action to protect citizens from further contamination and ensure that responsible parties are held liable for addressing any resulting health and safety concerns.

In order to address this problem, the EPA has said it is "beginning the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." By doing so, PFAS will be covered under the EPA's CERCLA, and therefore require responsible parties to be held accountable for any future release. It is appropriate that the EPA evaluates the necessary steps for such a designation, which has support throughout communities affected by PFAS contamination, and we respectfully request additional information about the steps and timeline the EPA is taking to consider this proposal.

As EPA staff travels to other communities impacted by PFAS contamination, we encourage the agency to continue listening, and to not lose sight of the urgent need to move forward in protecting our citizens and our natural resources from these toxic chemicals. Hosting similar events in other regions of the country is important, but we hope that the agency will take action

to address PFAS concurrently with future engagement events instead of waiting until they are all completed.

Thank you for your attention to this matter. We look forward to hearing more about what next steps the EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,



Margaret Wood Hassan
United States Senator



Jeanne Shaheen
United States Senator

United States Senate
WASHINGTON, DC 20510

September 10, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

The Honorable Heidi King
Deputy Administrator
NHTSA Headquarters
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Acting Administrator Wheeler and Acting Administrator King:

We are writing in response to the joint proposed Safer Affordable Fuel-Efficient Vehicles Rules for Model Years 2021-2026 Passenger Cars and Light Trucks (NHTSA-2018-0067/EPA-HQ-OAR-2018-0283) to voice our strong support for maintaining the current Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standards for light duty trucks and passenger vehicles, known as the One National Program. Additionally, we request that as you engage in the formal rulemaking process to amend these standards that you do so in a way that allows for increased public participation.

The currently allotted 60 day window for the comment period does not afford the public adequate opportunity to weigh in on the proposal. To allow for increased public participation, we request that you lengthen the public comment period from 60 days to 120 days, providing all Americans with sufficient time to understand and comment on the proposed rule.

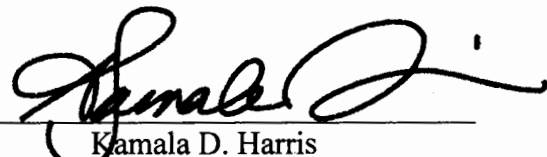
We also request that the deadline for comments on NHTSA's draft Environmental Impact Statement (EIS) for the joint proposed rule be extended from the current deadline of September 24, 2018, to align with the requested 120 day comment period. The draft EIS and the joint proposed rule are closely intertwined, yet the published joint proposed rule and all of its supporting data were not available until nearly two weeks after the comment period opened for the EIS.

It is critical that all Americans have the opportunity to comment on a proposal of this magnitude. The proposed rule would not only impact the fuel efficiency of passenger vehicles, but it would also harm human health, increase consumer expenses, hurt the auto

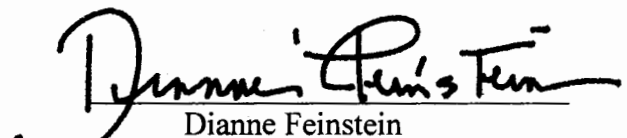
industry workforce, and stifle technological innovation¹. Furthermore, a proposal of this scale – which seeks to preempt state regulations and revoke California’s Clean Air Act waiver – would benefit from the additional time and opportunity for input from stakeholders regarding the rule’s impacts on California and the 12 states and Washington, D.C. that have adopted California’s standards.

Public participation is critical to our nation’s regulatory process. Therefore, we urge you to extend the comment period from 60 days to 120 days and extend the deadline for comments on NHTSA’s draft EIS to align with the requested 120 day comment period for the joint proposed rule.

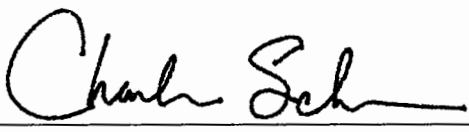
Sincerely,



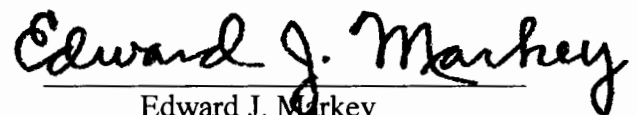
Kamala D. Harris
United States Senator



Dianne Feinstein
United States Senator



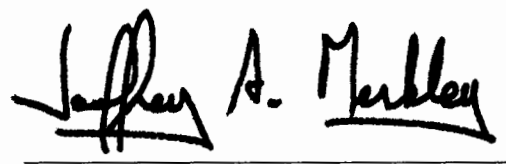
Charles E. Schumer
United States Senator



Edward J. Markey
United States Senator



Sheldon Whitehouse
United States Senator

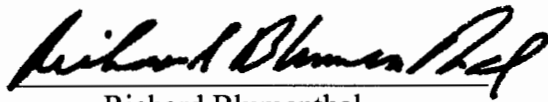


Jeffrey A. Merkley
United States Senator

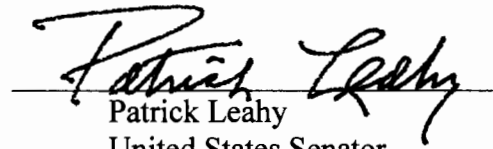
¹ <https://www.brookings.edu/blog/the-avenue/2018/08/03/the-trump-administrations-fuel-efficiency-proposal-is-unnecessary-and-harmful/>

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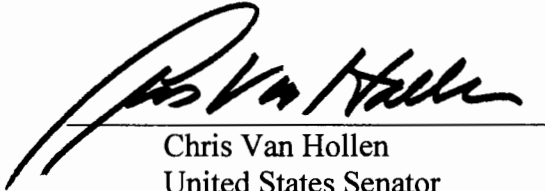
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Richard Blumenthal
United States Senator



Patrick Leahy
United States Senator



Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



Catherine Cortez Masto
United States Senator



Tina Smith
United States Senator



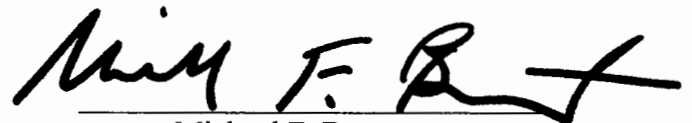
Richard J. Durbin
United States Senator



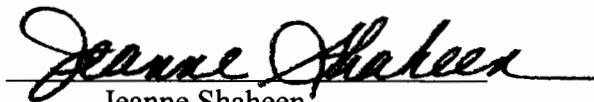
Mazie K. Hirono
United States Senator



Benjamin L. Cardin
United States Senator



Michael F. Bennet
United States Senator



Jeanne Shaheen
United States Senator



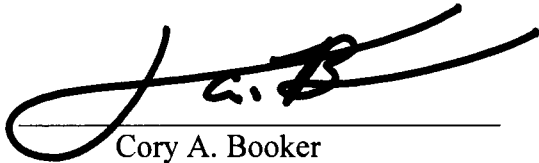
Margaret Wood Hassan
United States Senator



Maria Cantwell
United States Senator



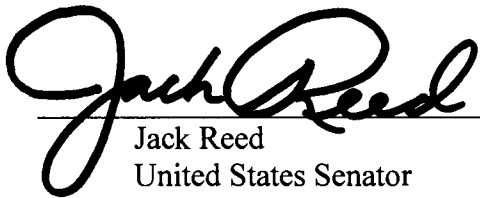
Tammy Duckworth
United States Senator



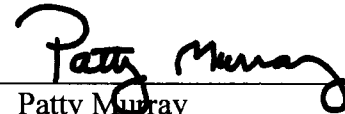
Cory A. Booker
United States Senator



Tammy Baldwin
United States Senator



Jack Reed
United States Senator



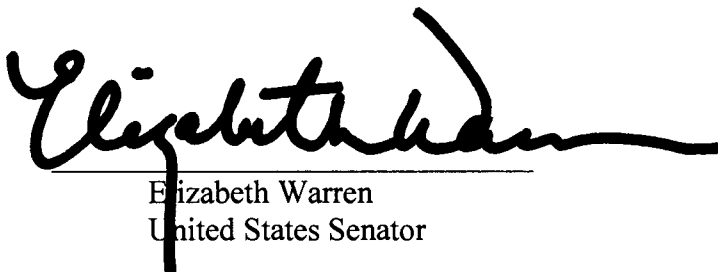
Patty Murray
United States Senator



Kirsten Gillibrand
United States Senator



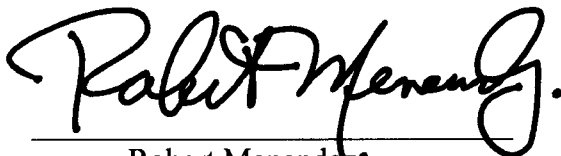
Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



Thomas R. Carper
United States Senator



Robert Menendez
United States Senator



Christopher A. Coons
United States Senator

Country	1980	1985	1990	1995	2000
Japan	15	18	20	22	25
Germany	12	14	16	17	18
France	10	11	13	14	15
Italy	10	11	13	14	15
Spain	8	9	10	11	12
Canada	7	8	9	9	10
Sweden	6	7	8	9	10
U.S.	5	6	7	7	8

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.



Figure 1 consists of two line graphs, (a) for 1990 and (b) for 1991. Both graphs plot 'Percentage of total catch' on the y-axis (0 to 100) against 'Depth (m)' on the x-axis (0 to 200). In both years, the catch percentage is low (below 10%) from 0 to 50 meters, then rises sharply to a peak at 150 meters before declining. In 1990 (a), the peak is at approximately 80% at 150m. In 1991 (b), the peak is higher, at approximately 100% at 150m.

Year	Percentage
1950	7
1960	10
1970	12
1980	14
1990	15


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Journal of Management Studies, 19(1), 67-80.

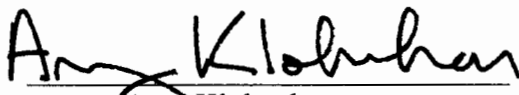
... equal and ...

Journal of Management Studies, 19(6), 709-728.

1990



Bill Nelson
United States Senator



Amy Klobuchar
United States Senator

Congress of the United States

Washington, DC 20515

September 22, 2020

Mr. Dennis Deziel
Administrator, Region 1
Environmental Protection Agency
5 Post Office Square
Boston, MA 02103

Dear Administrator Deziel:

We write regarding the National Pollutant Discharge Elimination System (NPDES) permit for the Merrimack Station Power Plant in Bow, NH. It is our understanding that portions of this permit will be finalized later this month and that there are substantial differences between the final permit and draft permits issued in both 2011 and 2014. Specifically, we have heard concerns from our constituents in New Hampshire regarding thermal pollution in the Merrimack River and the elimination of a requirement for the installation of cooling towers in the final permit. Based on these concerns, we ask that you provide answers to the following questions:

1. There are more than 350 coal-burning power plants in the United States. Could you please provide the most up-to-date data on the number of these coal-burning plants that have permits that require cooling towers onsite?
2. We have heard from our constituents that the lack of cooling towers at Merrimack Station will contribute to an environment where invasive species, such as the Zebra Mussel, can thrive in the Merrimack River. Can you please explain how the in-stream monitoring requirements and temperature limits in the final permit will address these concerns and whether they would protect against all invasive species?
3. It is our understanding that temperature limits are only triggered if a 45-day rolling capacity factor exceeds 40 percent. However, after reviewing EPA data on capacity for units 1 and 2 at Merrimack Station, the plant has rarely met this capacity factor in recent years. Please explain how the Merrimack River's temperature will be monitored to ensure protections against invasive species when the capacity factor trigger is not met.

With the last NPDES permit for Merrimack Station expiring in 1997 and administratively continued since, we understand that need to finalize this permit. We greatly appreciate your attention to the above questions and ask for a timely response in order to respond to our constituents. Please do not hesitate to contact Peter Clark in Senator Shaheen's Office (peter_clark@shaheen.senate.gov), Kerry Holmes in Senator Hassan's Office (kerry_holmes@hassan.senate.gov) or Charlotte Harris in Congresswoman Kuster's

Office (charlotte.harris@mail.house.gov) with any questions you may have. Thank you for the consideration of this request.

Sincerely,

Handwritten signatures of Jeanne Shaheen and Maggie Hassan in blue ink.

Jeanne Shaheen
United States Senator

Maggie Hassan
United States Senator

Handwritten signature of Ann McLane Kuster in blue ink.

Ann McLane Kuster
Member of Congress

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KIRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

President Donald Trump
The White House
Washington D.C. 20500

Dear Mr. President:

We write to urge you to take swift action to address the vacant inspector general (IG) positions in the federal government. The Inspector General Act established IGs to promote economy, efficiency, and effectiveness in the administration and operation of the government.¹

At present, we understand there are nine vacancies of presidentially-appointed, Senate-confirmed IGs with no nominations pending and two vacancies for agency-appointed IGs.² The currently vacant presidentially-appointed IG positions include the Central Intelligence Agency, the Department of Defense, the Office of Personnel Management, the Tennessee Valley Authority, the Environmental Protection Agency, the Department of Education, the Nuclear Regulatory Commission, the Department of Health and Human Services, and the Department of the Treasury.³ Currently vacant agency-appointed IG positions are the Federal Election Commission and the Corporation for Public Broadcasting.⁴ Many of these positions have been vacant for over one year or more, including the Central Intelligence Agency, which has been vacant for over four years.⁵

While many acting IGs have served admirably in the absence of permanent leadership, the lack of a permanent leader threatens to impede the ability of these offices to conduct the oversight and investigations necessary to ensure that taxpayer dollars are protected, public safety risks are identified, and that whistleblowers who expose waste, fraud, and abuse are protected. In addition, the lack of a permanent IG can create the potential for conflicts of interest and diminish the essential independence of IGs.

As you continue to submit nominations for your administration, we respectfully request that you move expeditiously to nominate permanent IGs for the presidentially-appointed positions and to ask agency heads to follow suit. We stand ready to work with you and the Council of the Inspectors General on Integrity and Efficiency to promptly identify qualified and capable candidates for these positions.

Thank you for your attention to this important matter.

¹ 5 U.S.C. app. § 2 (1978).

² Project on Gov't Oversight, Inspector General Vacancy Tracker, *available at* <https://www.pogo.org/database/inspector-general-vacancy-tracker/> (last accessed on September 12, 2019).

³ *Id.*

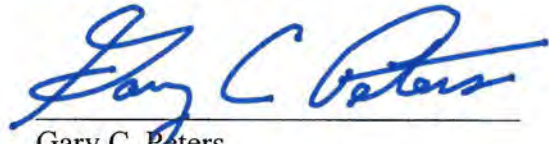
⁴ *Id.*

⁵ *Id.*

Sincerely,



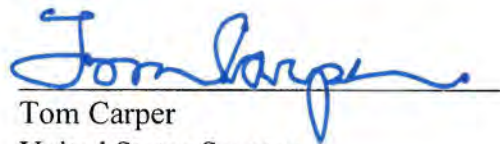
Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs



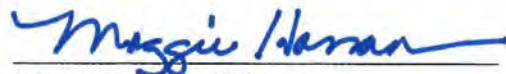
Rob Portman
United States Senator



Tom Carper
United States Senator



Rand Paul, M.D.
United States Senator



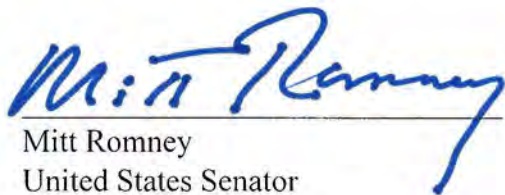
Margaret Wood Hassan
United States Senator



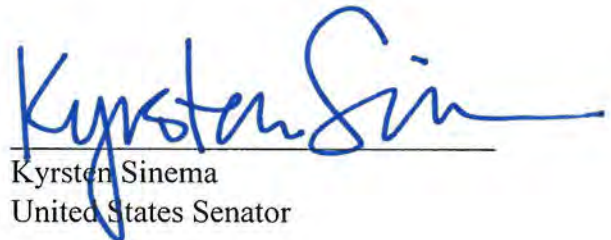
James Lankford
United States Senator



Kamala D. Harris
United States Senator




Mitt Romney
United States Senator



Kyrsten Sinema
United States Senator



Michael B. Enzi
United States Senator



Jacky Rosen
United States Senator

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JOSH HAWLEY, MISSOURI

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MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KIRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

President Donald Trump
The White House
Washington D.C. 20500

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³ *Id.*

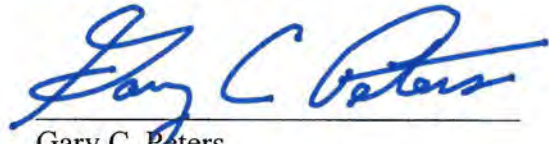
⁴ *Id.*

⁵ *Id.*

Sincerely,



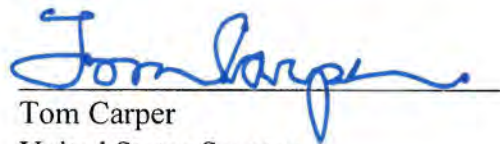
Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs



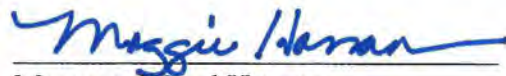
Rob Portman
United States Senator



Tom Carper
United States Senator



Rand Paul, M.D.
United States Senator



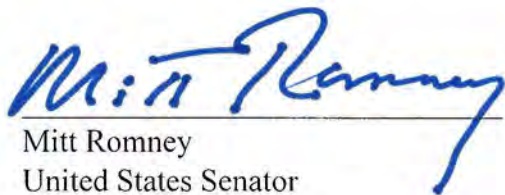
Margaret Wood Hassan
United States Senator



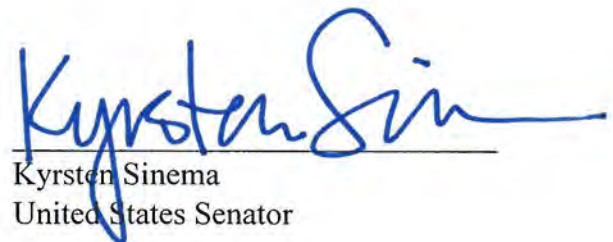
James Lankford
United States Senator



Kamala D. Harris
United States Senator




Mitt Romney
United States Senator



Kyrsten Sinema
United States Senator



Michael B. Enzi
United States Senator



Jacky Rosen
United States Senator

United States Senate

WASHINGTON, DC 20510

March 20, 2019

The Honorable Patrick M. Shanahan
Acting Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Secretary Shanahan and Administrator Wheeler:

We write to you regarding an article published on March 14, 2019, in the *New York Times* citing that the Department of Defense (DOD) is requesting the White House adopt substantially weaker standards for groundwater pollution caused by per- and polyfluoroalkyl substances (PFAS) than those suggested by the Environmental Protection Agency (EPA). If this reporting is accurate, the DOD's actions may endanger the health of servicemembers and families who live and work near the 401 military installations where there are known or suspected releases of PFAS chemicals in the drinking water or groundwater.¹ We urge you to act in the best interests of impacted communities and support efforts to develop groundwater and drinking water standards that will protect the public from the health hazards associated with PFAS contamination.

As you are aware, PFAS materials are a byproduct of aqueous film forming foam (AFFF), a fire suppressant agent used at military installations, and have been associated with a variety of adverse human health effects, including birth defects and immune system dysfunction. Given the significant public health concerns related to these chemicals, immediate action must be taken to reduce exposure to PFAS and address any potential negative health effects contamination from these materials may have on our communities.

On February 13, 2019, the EPA released its PFAS management plan, and committed to developing interim groundwater cleanup recommendations that will assist state and federal agencies in protecting drinking water supplies at sites contaminated by perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), two PFAS chemicals contained in formulations of AFFF. Regrettably, the *New York Times* and additional reports² suggest that the DOD has strongly opposed groundwater cleanup guidelines recommended by the EPA, and instead suggested that remedial action for PFOA and PFOS should not occur unless the concentration levels of these chemicals exceed 400 parts per trillion or higher. This value is nearly six times higher than the EPA's lifetime health advisory for these chemicals. Such

¹ U.S. Government Accountability Office. (2018, September). Drinking Water: Status of DOD Efforts to Address Drinking Water Contaminants Used in Firefighting Foam. (Publication No. GAO-18-700T). Retrieved from GAO Reports Main Page via GPO Access database: <https://www.gao.gov/index.html>

² https://www.epw.senate.gov/public/_cache/files/d/f/df1ec8c0-baab-4958-aaf9-eb1594e49524/9662C3E795CC2215BEE062423EF2ADD5.03-13-19-senator-carper-to-epa-002-.pdf

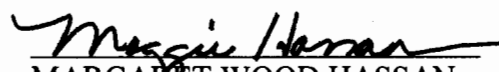
extreme contamination levels pose an unacceptable risk to impacted communities and would substantially limit the number of sites eligible for cleanup and remediation.


Setting a containment level that provides the highest level of safety for our servicemembers, military families and neighboring communities should be critical for this administration. This can only happen if the DOD and EPA are constructive partners. Therefore, we reiterate the request of our colleagues³ and ask that you provide our offices with any communications your agencies have had with the White House as well as communications between DOD and EPA regarding the establishment of standards for PFAS chemicals and groundwater pollution related to these chemicals. We also request that the DOD and EPA provide a joint agency briefing to our offices and interested members on interagency efforts on this issue, as well as regular updates on the progress of those efforts.

As the leaders of agencies paramount to the safety and security of our nation, it is crucial that DOD and EPA work collaboratively to address the health and environmental challenges associated with PFAS. We thank you for your attention to this important matter and look forward to your timely response.

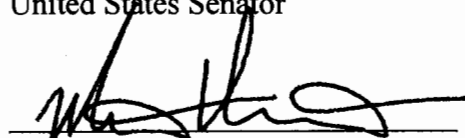
Sincerely,

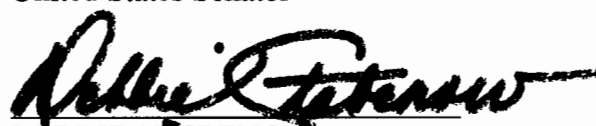

JEANNE SHAHEEN
United States Senator

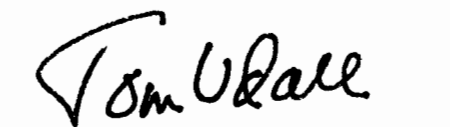

MARGARET WOOD HASSAN
United States Senator



SHERROD BROWN
United States Senator


ROBERT MENENDEZ
United States Senator

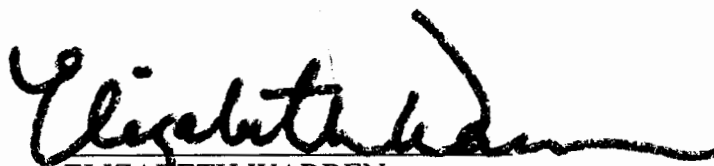

MARTIN HEINRICH
United States Senator


DEBBIE STABENOW
United States Senator


TOM UDALL
United States Senator


ROBERT P. CASEY, JR.
United States Senator

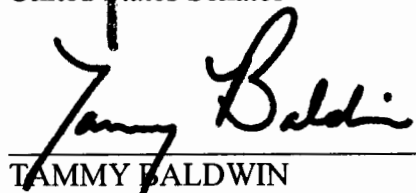
³ https://www.epw.senate.gov/public/_cache/files/e/1/e1bd72fd-d20f-439f-8cf7-50d84e64212e/90C9AD421BF2C45F763C1A8558109853.shanahan---03-06-19ltr-to-wheeler-pfas-action-plan.pdf



ELIZABETH WARREN
United States Senator




KIRSTEN GILLIBRAND
United States Senator



TAMMY BALDWIN
United States Senator



PATTY MURRAY
United States Senator



JOE MANCHIN III
United States Senator



JACK REED
United States Senator



BERNARD SANDERS
United States Senator



MARIA CANTWELL
United States Senator



PATRICK LEAHY
United States Senator



GARY PETERS
United States Senator

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

4. The fourth part of the document is a list of names and addresses of the members of the committee.

United States Senate

WASHINGTON, DC 20510

February 14, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Wheeler:

It has been one year since the Environmental Protection Agency (EPA) released its agency-wide plan to address contamination from per- and polyfluoroalkyl substances (PFAS). We write to request information regarding the status of the various commitments the EPA made in the PFAS Action Plan and an updated timeline for when the American people can expect these commitments to be met, because we are concerned that many of these commitments appear to be delayed.

As you are aware, communities across the country are struggling to respond to the widespread issue of PFAS contamination. The human health risks from this class of chemicals, which include birth defects, various forms of cancer, and immune system dysfunction, are still being examined, and the uncertainty has caused great concern among our constituents. Private and public sector analyses continue to uncover PFAS contamination around the country. On several occasions we have shared these concerns with you and urged this administration to work with Congress to develop effective solutions that will address the emerging threat of PFAS.

We believe that the PFAS Action Plan is, alone, insufficient to address the scope and urgency of the problems associated with PFAS, and is merely a first step towards doing so. This compounds our disappointment that several of these commitments made by the agency remain unfulfilled.

In particular, the PFAS Action Plan included a commitment to make a proposed regulatory determination on whether to write a drinking water rule for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in 2019, but that proposal has yet to be released to the public. Even if EPA immediately published a proposal that concluded a drinking water rule was needed, it would still likely take several more years before EPA was able to finalize an actual drinking water rule for these chemicals. Without federal standards in place, many states have stepped in to fill the void by establishing their own regulations.

Establishing a maximum contaminant level (MCL) or treatment technique for PFAS at the federal level is critical for protecting public health, especially since many states lack the capacity to promulgate their own drinking water rules, and regulations to set those standards should move forward without further delay. The prevalence of PFAS in drinking water sources across the country and the potential serious health impacts associated with chronic exposure to these chemicals demand moving forward with sound regulations for drinking water.

Furthermore, through its PFAS Action Plan, the EPA committed to initiating the “regulatory development process to designate PFOA and PFOS as ‘hazardous substances’ under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which would extend CERCLA order and cost recovery authorities to address communities affected by PFOA and PFOS contamination.” This would allow for the mobilization of assistance to communities affected by contamination from these materials from both industrial and military uses. Yet, despite then-Administrator Scott Pruitt committing the EPA to designating these materials as hazardous substances in May 2018, the EPA has not even sent a proposal to the Office of Management & Budget for interagency review, let alone published it for public comment.

Therefore, we respectfully request that you provide us with a clear status update on the progress of each commitment made in the EPA’s PFAS Action Plan along with an updated estimate for when you expect each applicable commitment, regulatory determination or other action to be completed.

The health and environmental threats posed by PFAS are significant. Communities across America demand that the EPA help protect them from PFAS exposure. They deserve the confidence that their water is safe and free of harmful levels of PFAS contamination.

We look forward to a timely and detailed response on the Agency’s path forward in addressing PFAS contamination. Thank you for your attention to this important matter.

Sincerely,



Jeanne Shaheen
United States Senator



Kirsten Gillibrand
United States Senator



Charles E. Schumer
United States Senator



Tom Carper
United States Senator



Debbie Stabenow
United States Senator



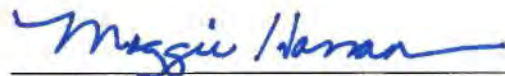
Robert P. Casey, Jr.
United States Senator



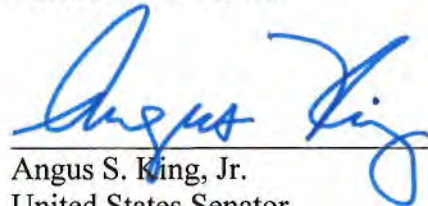
Tina Smith
United States Senator



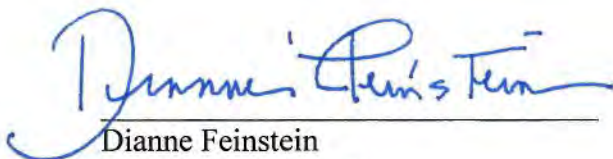
Sherrod Brown
United States Senator



Margaret Wood Hassan
United States Senator



Angus S. King, Jr.
United States Senator



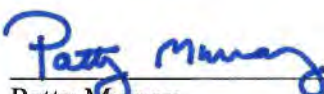
Dianne Feinstein
United States Senator



Sheldon Whitehouse
United States Senator



Amy Klobuchar
United States Senator



Patty Murray
United States Senator



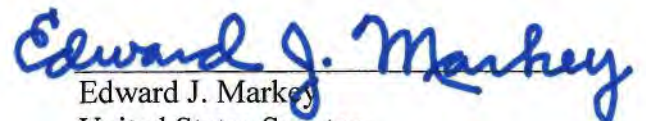
Jack Reed
United States Senator



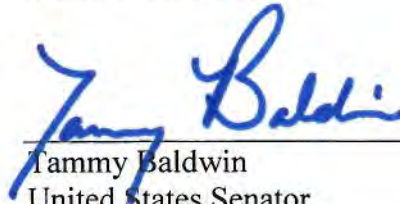
Richard Blumenthal
United States Senator



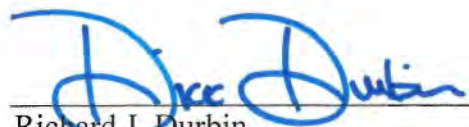
Jeffrey A. Merkley
United States Senator



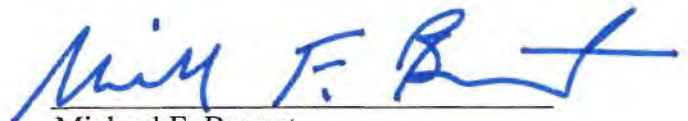
Edward J. Markey
United States Senator



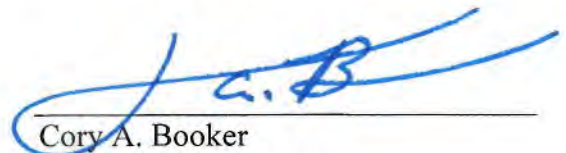
Tammy Baldwin
United States Senator



Richard J. Durbin
United States Senator



Michael F. Bennet
United States Senator



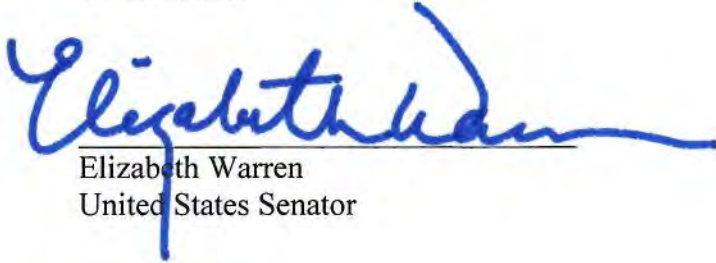
Cory A. Booker
United States Senator



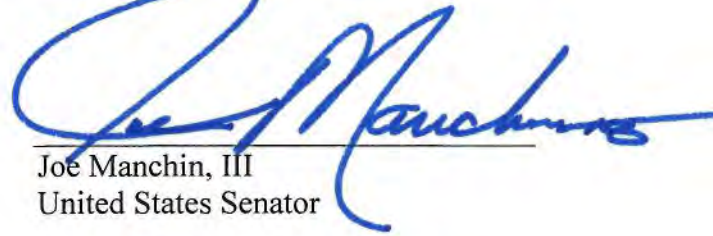
Bernard Sanders
United States Senator



Tammy Duckworth
United States Senator



Elizabeth Warren
United States Senator



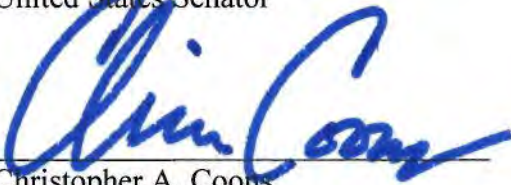
Joe Manchin, III
United States Senator



Benjamin L. Cardin
United States Senator



Kamala D. Harris
United States Senator



Christopher A. Coons
United States Senator



Maria Cantwell
United States Senator

Congress of the United States

Washington, DC 20510

October 28, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Administrator Wheeler:

We write to urge you once more to include electricity in the Renewable Fuel Standard (RFS) program in time for electricity producers to participate in the 2020 market.

More must be done to ensure that biofuels producers have access to the markets. Congress intended electricity to be part of the program when it passed RFS2 in 2007 as part of the Energy Independence and Security Act. Congress mandated a renewable volume obligation of 8.5 billion gallons for 2019 for the cellulosic fuel category, where most electricity would qualify. However EPA has achieved only 418 million gallons for this year. It is well past time for the EPA to include electricity in the renewable volume obligations.

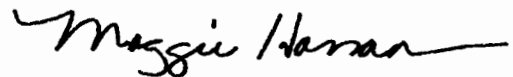
Failing to include electricity has had, and will continue to have, dire consequences for electricity producers who cannot participate in the program and the supply chains that rely on them. Biomass, biogas and waste-to-energy producers are making biofuels available for transportation but are receiving no credit under the RFS for doing so. This puts rural jobs and local government infrastructure at risk in vital sectors of our economy, including farming, forestry, logging and waste-to-energy.

As the Administration considers changes to the 2020 Renewable Volume Obligation, including electricity should be a top priority.

Sincerely,



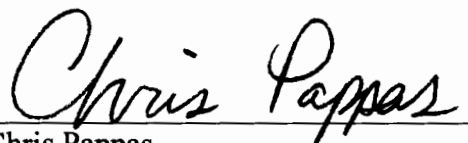
Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Ann McLane Kuster
Member of Congress



Chris Pappas
Member of Congress

Cc: Sonny Perdue, Secretary, U.S. Department of Agriculture
Stephen Censky, Deputy Secretary, U.S. Department of Agriculture
Francis Brooke, Special Assistant to the President for Economic Policy
Joe Grogan, Assistant to the President, Director of the Domestic Policy Council
Anne Idsal, Acting Assistant Administrator for the Office of Air and Radiation

United States Senate

WASHINGTON, DC 20510

June 29, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write today to thank the Environmental Protection Agency (EPA) for hosting the first per- and polyfluoroalkyl substances (PFAS) community engagement event in Exeter, New Hampshire.

Granite Staters have been national leaders in advocating for the health and safety of their families and neighbors, and this productive forum was an important first step in ensuring that communities impacted by PFAS contamination have a seat at the table and an opportunity for their voices to be heard. We are hopeful that the EPA will take the concerns and recommendations that were raised by community leaders, as well as state and local officials, to help inform future meaningful federal action on these chemicals. This includes advancing conversations and solutions that consider the entire class of PFAS chemicals.

As you know, PFAS contamination in drinking water is an issue not only in our home state of New Hampshire, but across the country. It is critical for the EPA to take immediate action to protect citizens from further contamination and ensure that responsible parties are held liable for addressing any resulting health and safety concerns.

In order to address this problem, the EPA has said it is "beginning the necessary steps to propose designating PFOA and PFOS as 'hazardous substances' through one of the available statutory mechanisms, including potentially Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 102." By doing so, PFAS will be covered under the EPA's CERCLA, and therefore require responsible parties to be held accountable for any future release. It is appropriate that the EPA evaluates the necessary steps for such a designation, which has support throughout communities affected by PFAS contamination, and we respectfully request additional information about the steps and timeline the EPA is taking to consider this proposal.

As EPA staff travels to other communities impacted by PFAS contamination, we encourage the agency to continue listening, and to not lose sight of the urgent need to move forward in protecting our citizens and our natural resources from these toxic chemicals. Hosting similar events in other regions of the country is important, but we hope that the agency will take action

to address PFAS concurrently with future engagement events instead of waiting until they are all completed.

Thank you for your attention to this matter. We look forward to hearing more about what next steps the EPA will take to protect New Hampshire and our country from PFAS contamination.

Sincerely,

A handwritten signature in black ink, appearing to read "Maggie Hassan", written over a horizontal line.

Margaret Wood Hassan
United States Senator

A handwritten signature in black ink, appearing to read "Jeanne Shaheen", written over a horizontal line.

Jeanne Shaheen
United States Senator

United States Senate
WASHINGTON, DC 20510

September 10, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

The Honorable Heidi King
Deputy Administrator
NHTSA Headquarters
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Acting Administrator Wheeler and Acting Administrator King:

We are writing in response to the joint proposed Safer Affordable Fuel-Efficient Vehicles Rules for Model Years 2021-2026 Passenger Cars and Light Trucks (NHTSA-2018-0067/EPA-HQ-OAR-2018-0283) to voice our strong support for maintaining the current Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standards for light duty trucks and passenger vehicles, known as the One National Program. Additionally, we request that as you engage in the formal rulemaking process to amend these standards that you do so in a way that allows for increased public participation.

The currently allotted 60 day window for the comment period does not afford the public adequate opportunity to weigh in on the proposal. To allow for increased public participation, we request that you lengthen the public comment period from 60 days to 120 days, providing all Americans with sufficient time to understand and comment on the proposed rule.

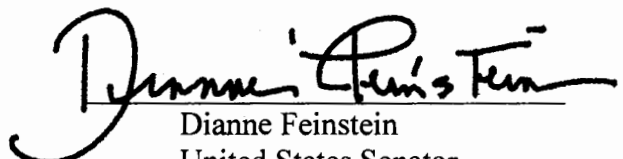
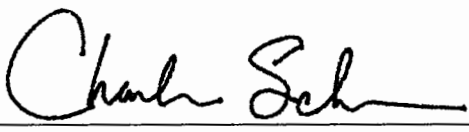
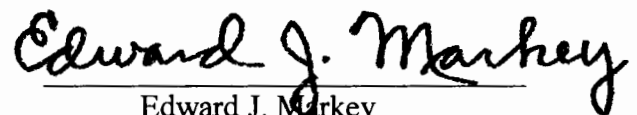
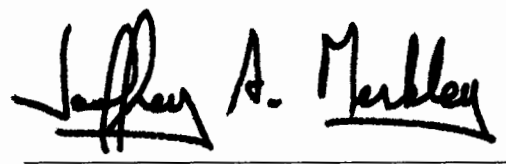
We also request that the deadline for comments on NHTSA's draft Environmental Impact Statement (EIS) for the joint proposed rule be extended from the current deadline of September 24, 2018, to align with the requested 120 day comment period. The draft EIS and the joint proposed rule are closely intertwined, yet the published joint proposed rule and all of its supporting data were not available until nearly two weeks after the comment period opened for the EIS.

It is critical that all Americans have the opportunity to comment on a proposal of this magnitude. The proposed rule would not only impact the fuel efficiency of passenger vehicles, but it would also harm human health, increase consumer expenses, hurt the auto

industry workforce, and stifle technological innovation¹. Furthermore, a proposal of this scale – which seeks to preempt state regulations and revoke California’s Clean Air Act waiver – would benefit from the additional time and opportunity for input from stakeholders regarding the rule’s impacts on California and the 12 states and Washington, D.C. that have adopted California’s standards.

Public participation is critical to our nation’s regulatory process. Therefore, we urge you to extend the comment period from 60 days to 120 days and extend the deadline for comments on NHTSA’s draft EIS to align with the requested 120 day comment period for the joint proposed rule.

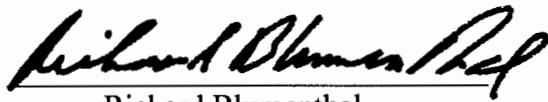
Sincerely,


Kamala D. Harris
United States Senator
Dianne Feinstein
United States Senator
Charles E. Schumer
United States Senator
Edward J. Markey
United States Senator
Sheldon Whitehouse
United States Senator
Jeffrey A. Merkley
United States Senator

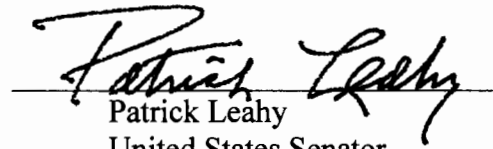
¹ <https://www.brookings.edu/blog/the-avenue/2018/08/03/the-trump-administrations-fuel-efficiency-proposal-is-unnecessary-and-harmful/>

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (○), 10⁷ cells/ml (□), 10⁸ cells/ml (△), and 10⁹ cells/ml (◇). The error bars represent the standard deviation of three independent experiments.

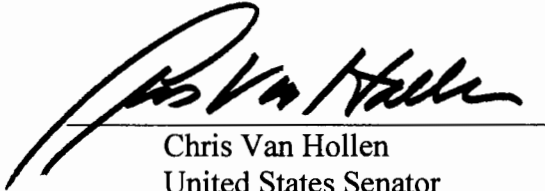
100-443886-1



Richard Blumenthal
United States Senator



Patrick Leahy
United States Senator



Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



Catherine Cortez Masto
United States Senator



Tina Smith
United States Senator



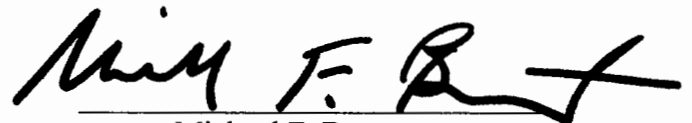
Richard J. Durbin
United States Senator



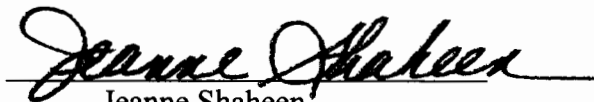
Mazie K. Hirono
United States Senator



Benjamin L. Cardin
United States Senator



Michael F. Bennet
United States Senator



Jeanne Shaheen
United States Senator



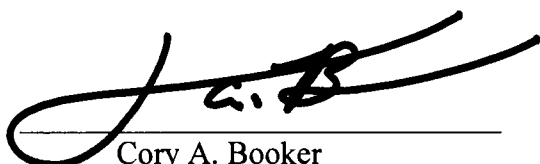
Margaret Wood Hassan
United States Senator



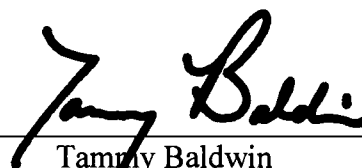
Maria Cantwell
United States Senator



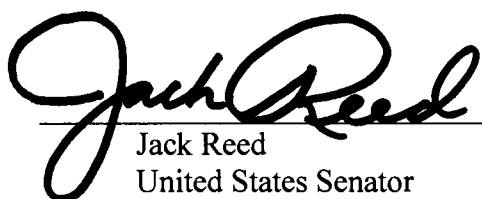
Tammy Duckworth
United States Senator



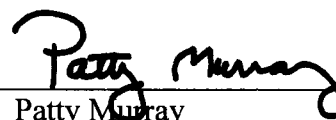
Cory A. Booker
United States Senator



Tammy Baldwin
United States Senator



Jack Reed
United States Senator



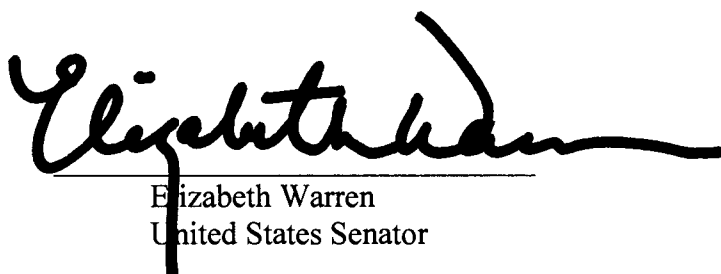
Patty Murray
United States Senator



Kirsten Gillibrand
United States Senator



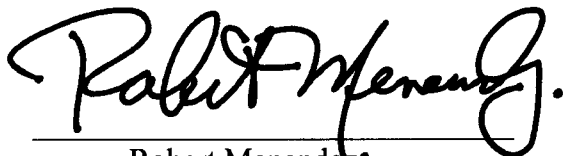
Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



Thomas R. Carper
United States Senator



Robert Menendez
United States Senator



Christopher A. Coons
United States Senator

Country	1980	1985	1990	1995	2000
Japan	15	18	20	22	25
Germany	12	14	16	17	18
France	10	11	13	14	15
Italy	10	11	13	14	15
Spain	8	9	10	11	12
Canada	7	8	9	9	10
Sweden	6	7	8	9	10
U.S.	5	6	7	7	8

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.



Figure 1 consists of two line graphs, (a) for 1990 and (b) for 1991, showing the percentage of total catch versus depth (m). Both graphs show a sharp increase in catch percentage at 100m depth, peaking at 150m, and then declining. Graph (a) for 1990 shows a peak of approximately 10% at 150m, while graph (b) for 1991 shows a higher peak of approximately 15% at 150m.

Year	Percent
1950	7
1960	10
1970	9
1980	13
1990	14


• *Journal of the American Medical Association*, 1997; 277: 1025-1026

1990

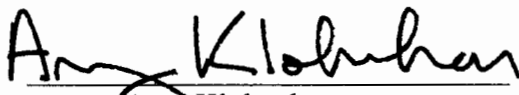
... again and

[illegible]

1990



Bill Nelson
United States Senator



Amy Klobuchar
United States Senator

Congress of the United States

Washington, DC 20515

September 22, 2020

Mr. Dennis Deziel
Administrator, Region 1
Environmental Protection Agency
5 Post Office Square
Boston, MA 02103

Dear Administrator Deziel:

We write regarding the National Pollutant Discharge Elimination System (NPDES) permit for the Merrimack Station Power Plant in Bow, NH. It is our understanding that portions of this permit will be finalized later this month and that there are substantial differences between the final permit and draft permits issued in both 2011 and 2014. Specifically, we have heard concerns from our constituents in New Hampshire regarding thermal pollution in the Merrimack River and the elimination of a requirement for the installation of cooling towers in the final permit. Based on these concerns, we ask that you provide answers to the following questions:

1. There are more than 350 coal-burning power plants in the United States. Could you please provide the most up-to-date data on the number of these coal-burning plants that have permits that require cooling towers onsite?
2. We have heard from our constituents that the lack of cooling towers at Merrimack Station will contribute to an environment where invasive species, such as the Zebra Mussel, can thrive in the Merrimack River. Can you please explain how the in-stream monitoring requirements and temperature limits in the final permit will address these concerns and whether they would protect against all invasive species?
3. It is our understanding that temperature limits are only triggered if a 45-day rolling capacity factor exceeds 40 percent. However, after reviewing EPA data on capacity for units 1 and 2 at Merrimack Station, the plant has rarely met this capacity factor in recent years. Please explain how the Merrimack River's temperature will be monitored to ensure protections against invasive species when the capacity factor trigger is not met.

With the last NPDES permit for Merrimack Station expiring in 1997 and administratively continued since, we understand that need to finalize this permit. We greatly appreciate your attention to the above questions and ask for a timely response in order to respond to our constituents. Please do not hesitate to contact Peter Clark in Senator Shaheen's Office (peter_clark@shaheen.senate.gov), Kerry Holmes in Senator Hassan's Office (kerry_holmes@hassan.senate.gov) or Charlotte Harris in Congresswoman Kuster's

Office (charlotte.harris@mail.house.gov) with any questions you may have. Thank you for the consideration of this request.

Sincerely,

Handwritten signatures of Jeanne Shaheen and Maggie Hassan in blue ink.

Jeanne Shaheen
United States Senator

Maggie Hassan
United States Senator

Handwritten signature of Ann McLane Kuster in blue ink.

Ann McLane Kuster
Member of Congress

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KIRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

President Donald Trump
The White House
Washington D.C. 20500

Dear Mr. President:

We write to urge you to take swift action to address the vacant inspector general (IG) positions in the federal government. The Inspector General Act established IGs to promote economy, efficiency, and effectiveness in the administration and operation of the government.¹

At present, we understand there are nine vacancies of presidentially-appointed, Senate-confirmed IGs with no nominations pending and two vacancies for agency-appointed IGs.² The currently vacant presidentially-appointed IG positions include the Central Intelligence Agency, the Department of Defense, the Office of Personnel Management, the Tennessee Valley Authority, the Environmental Protection Agency, the Department of Education, the Nuclear Regulatory Commission, the Department of Health and Human Services, and the Department of the Treasury.³ Currently vacant agency-appointed IG positions are the Federal Election Commission and the Corporation for Public Broadcasting.⁴ Many of these positions have been vacant for over one year or more, including the Central Intelligence Agency, which has been vacant for over four years.⁵

While many acting IGs have served admirably in the absence of permanent leadership, the lack of a permanent leader threatens to impede the ability of these offices to conduct the oversight and investigations necessary to ensure that taxpayer dollars are protected, public safety risks are identified, and that whistleblowers who expose waste, fraud, and abuse are protected. In addition, the lack of a permanent IG can create the potential for conflicts of interest and diminish the essential independence of IGs.

As you continue to submit nominations for your administration, we respectfully request that you move expeditiously to nominate permanent IGs for the presidentially-appointed positions and to ask agency heads to follow suit. We stand ready to work with you and the Council of the Inspectors General on Integrity and Efficiency to promptly identify qualified and capable candidates for these positions.

Thank you for your attention to this important matter.

¹ 5 U.S.C. app. § 2 (1978).

² Project on Gov't Oversight, Inspector General Vacancy Tracker, *available at* <https://www.pogo.org/database/inspector-general-vacancy-tracker/> (last accessed on September 12, 2019).

³ *Id.*

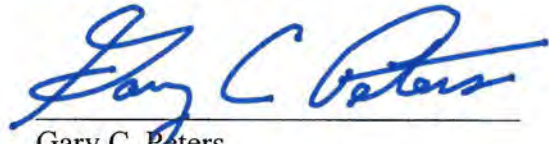
⁴ *Id.*

⁵ *Id.*

Sincerely,



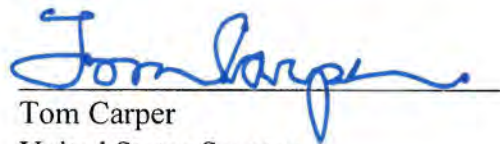
Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs



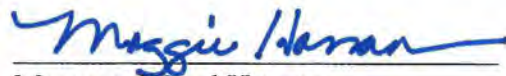
Rob Portman
United States Senator



Tom Carper
United States Senator



Rand Paul, M.D.
United States Senator



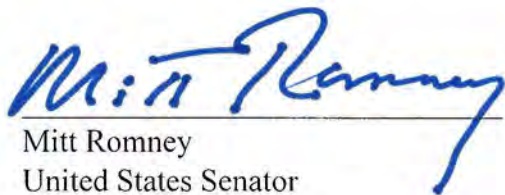
Margaret Wood Hassan
United States Senator



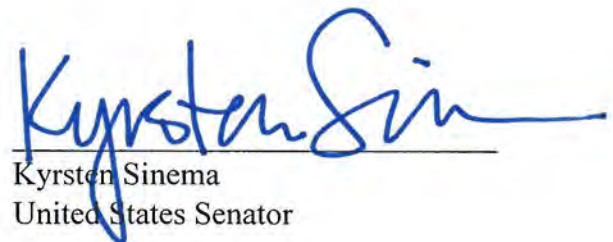
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Kamala D. Harris
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Mitt Romney
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Kyrsten Sinema
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Michael B. Enzi
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Jacky Rosen
United States Senator

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JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

President Donald Trump
The White House
Washington D.C. 20500

Dear Mr. President:

We write to urge you to take swift action to address the vacant inspector general (IG) positions in the federal government. The Inspector General Act established IGs to promote economy, efficiency, and effectiveness in the administration and operation of the government.¹

At present, we understand there are nine vacancies of presidentially-appointed, Senate-confirmed IGs with no nominations pending and two vacancies for agency-appointed IGs.² The currently vacant presidentially-appointed IG positions include the Central Intelligence Agency, the Department of Defense, the Office of Personnel Management, the Tennessee Valley Authority, the Environmental Protection Agency, the Department of Education, the Nuclear Regulatory Commission, the Department of Health and Human Services, and the Department of the Treasury.³ Currently vacant agency-appointed IG positions are the Federal Election Commission and the Corporation for Public Broadcasting.⁴ Many of these positions have been vacant for over one year or more, including the Central Intelligence Agency, which has been vacant for over four years.⁵

While many acting IGs have served admirably in the absence of permanent leadership, the lack of a permanent leader threatens to impede the ability of these offices to conduct the oversight and investigations necessary to ensure that taxpayer dollars are protected, public safety risks are identified, and that whistleblowers who expose waste, fraud, and abuse are protected. In addition, the lack of a permanent IG can create the potential for conflicts of interest and diminish the essential independence of IGs.

As you continue to submit nominations for your administration, we respectfully request that you move expeditiously to nominate permanent IGs for the presidentially-appointed positions and to ask agency heads to follow suit. We stand ready to work with you and the Council of the Inspectors General on Integrity and Efficiency to promptly identify qualified and capable candidates for these positions.

Thank you for your attention to this important matter.

¹ 5 U.S.C. app. § 2 (1978).

² Project on Gov't Oversight, Inspector General Vacancy Tracker, *available at* <https://www.pogo.org/database/inspector-general-vacancy-tracker/> (last accessed on September 12, 2019).

³ *Id.*

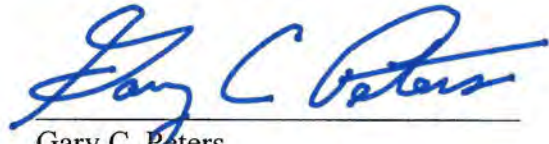
⁴ *Id.*

⁵ *Id.*

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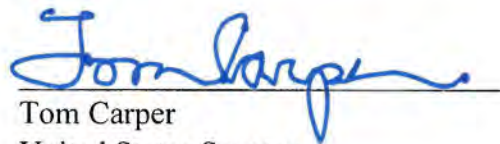
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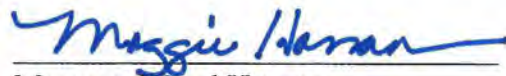
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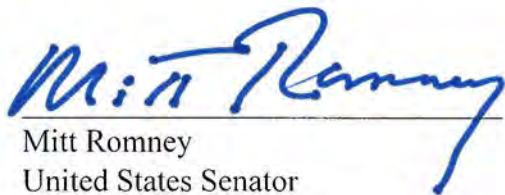
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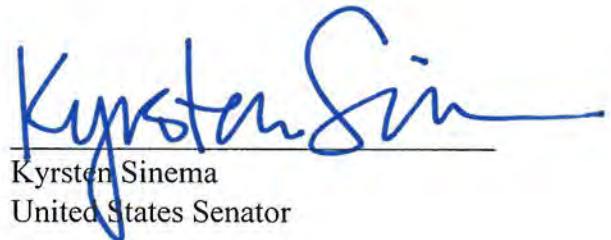
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